IN THE

Supreme Court of the United States

Supreme Court, U.S.
FILED

Sgt. Emmett L. Williams
Petitioner, Plaintiff

05 1644 JUN 22 2006

-Vs.-

OFFICE OF THE CLERK

State of Georgia, "et al." (1:05-CV-1303) 05-15760-CC, and three other Incorporated Conspiracy Cases: Cases Numbers: 05-15468-JJ, 05-17046-BB, and 05-11275-AA (05-833)
Respondents, Defendants

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28 U.S.C. & 2403(a), "The doctrine of res judicata" does not apply in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) because the February 12, 2003 Dismissal of the Petitioner's August 08, 2002 Lawsuit (1:02-CV-2197) was **RESCINDED as being NULL and VOID** do to a undisclosed Dual Agency Relationship that existed between the Attorney Charles D. Best and the Respondents that **DEAD DOCKETED** this Federally Filed Lawsuit Case (1:02-CV-2197) where this Federally Filed Case was filed by the Petitioner on August 08, 2002 within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002 where a Judgment has never been rendered in this Federally Filed Lawsuit Case (1:02-CV-2197) where the Petitioner's August 08, 2002 Lawsuit was never properly dismissed in accordance with the Georgia State Law of undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII where the Magistrate Judge, the District Judge, and the Appeal Judges **cannot** unconstitutionally use **"the doctrine of res judicata"** to Dismiss, Cover Up, and Justify the Respondents' Criminal Activities after August 08, 2002 of (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjury.

Petition for a Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit and the United States District Court for Northern District of Georgia

PETITION FOR WRIT OF CERTIORARI

Sgt. Emmett L. Williams
Pro-Se Litigant
1266 Bedford Avenue
Columbus, Georgia 31903

IN THE NAME OF JUSTICE BECAUSE JUSTICE SO REQUIRES

Question Presented.

Whether, the Constitutionality of the Petitioner 's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) that was filed by a Black Disabled United States American Citizen has been deprived of all of his Constitutional Civil Rights of receiving "**Equal Justice Under the Law**" from the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia where **"the doctrine of res judicata"** does not apply in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) because the February 12, 2003 Dismissal of the Petitioner's August 08, 2002 Lawsuit (1:02-CV-2197) was **RESCINDED as being NULL and VOID** do to a undisclosed Dual Agency Relationship that existed between the Attorney Charles D. Best and the Respondents that **DEAD DOCKETED** this Federally Filed Lawsuit Case (1:02-CV-2197) on and after September 27, 2002 where this Federal Case was filed by the Petitioner on August 08, 2002 within the legal filing limits of the E.E.O.C. 300 days and 90 days statues **that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002** where a Judgment has never been rendered in this Federal Case (1:02-CV-2197) where the Petitioner's August 08, 2002 Lawsuit was never properly dismissed in accordance with the Georgia State Law of undisclosed Dual Agency and Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII **where the Magistrate Judge, the District Judge, and the Appeal Judges cannot unconstitutionally use "the doctrine of res judicata" with a Perjured Non-Existence September 10, 2001 lie together with a 180 days lie as reasons, grounds, or merits to Dismiss, Cover Up, or Justify the Respondents' Criminal Activities of (7) counts of Obstructing Federal Justice and (2) two counts of Perjury after the Petitioner's August 08, 2002 Lawsuit filing 28 U.S.C. &2403(a).**

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the Magistrate Judge, the District Judge,
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CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT

Sgt. Emmett L. Williams –vs.- State of Georgia "et al." Case No, 05-15760-CC is Incorporated with as apart of and Directly Related to Civil Action Cases: 1:05-CV-1303, 1:04-CV-2415, 1:05-CV-1781, and 1:05-CV-2274, and Appeal Cases: 05-15648-JJ, and 05-17046-BB, and Supreme Court Case: 05-833 (05-11275-AA)

The undersigned Petitioner, Sgt. Emmett L. Williams, hereby certifies that the following is a complete list of person and entities that who have an interest in the outcome of this case:

(a) Sgt. Emmett L. Williams, Petitioner
(b) The State of Georgia DOD National Guard Headquarters under
(c) Maj. Gen. David Poythress, Commander, as a related Defendant
(d) Thomas H. Blackstock, Facilities Manager, as a related Defendant
(e) James Bruno, Chief of Staff and Appointing Authority, as a related Defendant
(f) Kenneth R. Weldrep, J.A.G. and Prosecuting Attorney, as a related Defendant
(g) Lois Oakley, State Administrative Hearing Chief Law Judge, as a related Defendant
(h) W. Joseph Baird, state Administrative Hearings Judge, as a related Defendant

(i) Ed. Chamberlain, DOD Personnel Administrator, as a related Defendant
(j) Sandra Bruce, DOD Personnel Administrator, as a related Defendant
(k) Raymond Faunt, Security Manager and the Plaintiff's Immediate Supervisor, as a related Defendant
(l) Charles D. Best, illegal and unlawfully Conducted a Dual Agency Relationship as a Georgia Licensed Attorney, as a related Defendant
(m) G. Melton Mobley, the Defendants' Attorney
(n) Bryan K. Webb, the Defendants' Attorney
(o) Dennis R. Dunn, the Defendants' Attorney
(p) Thurbert E. Baker, the Defendants' Attorney
(q) Robert L. Vining, Jr. United States District Judge that has unconstitutionally favored the Defendants in violation of all of the State of Georgia DOD Policies, Procedures, Guidelines, and Regulations as well as the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Title I, Title V, and Title VII.

(r) Gerrilyn G. Brill, United States Magistrate Judge that has unconstitutionally favored the Defendants in violation of all of the State of Georgia DOD Policies, Procedures, Guidelines, and Regulations as well as the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitutional under Title I, Title V, and Title VII.

/s/ Emmett L. Williams
Sgt. EMMETT L. WILLIAMS, Petitioner
Pro-Se Litigant

The Reason for Granting This Writ is Because the Magistrate Judge, the District Judge, the Appeal Judges cannot unconstitutionally use "the doctrine of res judicata" with a Perjured Non-Existence September 10, 2001 and a Perjured 180 days lie as reasons, grounds, and merits to Dismiss, Cover Up or Justify the Respondents' Criminal Conduct and Activities of (7) Seven Counts of Obstructing Federal Justice and (2) Counts of Perjury while under the charges of Discriminating, Sabotaging, and Derailing an ongoing Federally Filed Lawsuit Case (1:02-CV-2197) after the Petitioner's August 08, 2002 Lawsuit Filing where the Petitioner is requesting that the Department of Justice investigate and prosecute (28 U.S.C. &2403(a)).

I. After August 08, 2002 while the Petitioner's Federally Filed Lawsuit Case (1:02-CV-2197) was under the Federal Judiciary Protection Powers of the Federal Courts that on or thereafter September 27, 2002, the Respondents and the Attorney Charles D. Best illegally, unlawfully, and unconstitutionally allowed themselves to form and engage in a Undisclosed Dual Agency Relationship to derail the Petitioner's August 08, 2002 Lawsuit Filing as Count Number (1) One (28 U.S.C. &2403(a)).

II. On September 27, 2002 or thereafter, the Respondents was properly served by the Attorney Charles Best while this Federally Filed Lawsuit Case (1:02-CV-2197) was under the Federal Judiciary Protection Powers of the Federal Courts after the Petitioner's August 08, 2002 Lawsuit Filing, the Respondents and the Attorney Charles D. Best while engaged in an undisclosed Dual Agency Relationship used the Federal Courthouse Serving Papers as the instrument of exchange as to Constitutionally Raping the Petitioner of all of his United States Guaranteed Constitutional Civil Rights as a United States American Citizen that Dead Docketed of this Federally Filed Lawsuit Case (1:02-CV-2197) as a direct means of Obstructing Federal Justice as Count Number (2) Two (28 U.S.C. &2403(a)).

III. On September 27, 2002 while the Respondents and the Attorney Charles D. Best were engaged in an Undisclosed Dual Agency Relationship while the Petitioner's Federally Filed Lawsuit Case (1:02-CV-2197) was under the Federal Judiciary Protection Powers of the Federal Courts, the Respondents terminated the Petitioner's Employment from the State of Georgia without an established, required upon, properly signed, prerequisite, Performance Management Plan (P.M.P.) and without any

justifiable Probable Cause as a direct means of Obstructing Federal Justice as Count Number (3) Three (28 U.S.C. &2403(a)).

IV. During the months of November and December 2002 while Respondents and the Attorney Charles D. Best were engaged in an Undisclosed Dual Agency Relationship while the Petitioner's Federally Filed Lawsuit Case (1:02-CV-2197) was under the Federal Judiciary Protection Powers of the Federal Courts, the Respondents prosecuted the Petitioner without an established, required upon, properly signed, prerequisite Performance Management Plan (P.M.P.) and without any justifiable Probable Cause in a Jim Crow Kangaroo Court with full and complete knowledge that the Petitioner's August 08, 2002 Federally Filed Lawsuit was pending in Federal Court that was confirmed by the Administrative Hearings Judge to everyone at the beginning of these Hearings Proceedings as a direct means of Obstructing Federal Justice as Count Number (4) Four (28 U.S.C. &2403(a)).

V. On January 13, 2003 while the Respondents and the Attorney Charles D. Best were in engaged in an undisclosed Dual Agency Relationship while the Petitioner's August 08, 2002 was under the Federal Judiciary Protection Powers of the Federal Courts, the

Petitioner received a Show Cause Order from the United States District Court where the Petitioner immediately turned over to the Attorney Charles D. Best where the Petitioner instructed the Attorney Charles D. Best to disclose the facts to the Federal Court where the Attorney Charles D. Best and the Respondents refused to disclosed to the Federal Courts known and knowledgeable Material Facts about this Federally Filed Lawsuit Case (1:02-CV-2197) United States Courthouse Serving Papers where the Respondents and the Attorney Charles D. Best Obstructed Federal Justice and created an act of Perjury by failing and refusing to disclose a known and knowledgeable Material Facts to the Federal Court about this Federally Filed Lawsuit Case (1:02-CV-2197) as a direct means of Obstructing Federal Justice as Count Number (5) Five (28 U.S.C. &2403(a)).

VI. On February 12, 2003 while the Respondents and the Attorney Charles D. Best were engaged in an undisclosed Dual Agency Relationship while the Petitioner's August 08, 2002 Federally Filed Lawsuit Case was under the Federal Judiciary Protection Powers of the Federal Courts, the Respondents and Attorney Charles D. Best dismissed the Petitioner's August 08, 2002 lawsuit without the Petitioner's consent as a

direct means of Obstructing Federal Justice where the Petitioner has **RESCINDED** all transactions made by the Attorney Charles D. Best under the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII as Count Number (6) Six (28 U.S.C. &2403(a)).

VII. After August 19, 2004 while the Repondents and the Attorney Charles D. Best were engaged in an Undisclosed Dual Agency Relationship while the Petitioner's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) was under the Federal Judiciary Protection Power of the Federal Courts, the Respondents and the Respondents' Attorneys (**G. Melton Mobley, Bryan K. Webb, Dennis R. Dunn, and Thurbert E. Baker)** created a Perjured Unconstitutional Inconsistent Lies of a non-existence September 10, 2001 lie and non-existence 180 days lie where the Respondents and the Respondents Attorneys have refused to disclose a known and knowledgeable Material Facts to the Federal Court of the true nature of the Petitioner's 300 days State Employee's Entitlement Status that began on October 22, 2001 and ended on August 18, 2002 as a direct means of Obstructing Federal Justice and Perjury as

Count Number (7) Seven (28 U.S.C. &2403(a)).

VIII. The Petitioner's Federally Filed Lawsuit Case (1:02-CV-2197) that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002 where a Judgment has never been rendered in this August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) and where the Petitioner's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) was never properly Dismissed in accordance with the Georgia State Law of Undisclosed Dual Agency and Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII is an Active, Legal, Valid, and Enforceable Lawsuit according to State, Federal, and Constitutional Laws (28 U.S.C &2403(a)).

The Magistrate Judge, the District Judge, and the Appeal Judges' have unconstitutionally used "the doctrine of res judicata" with a Perjured Non-Existence September 10, 2001lie and Perjured Non-Existence 180 days lie to Dismiss, Cover Up, and Justify the Respondents' Criminal Conduct and Activities that have violated and discriminated against the Petitioner's E.E.O.C. 300 days Filing

Statutory Period **that existed from October 22, 2001 to August 18, 2002 where August 08, 2002 was the 290th day of filing,** and the Petitioner's E.E.O.C. 90 days Right to Sue Letter Statutory Period **that existed from May 15, 2002 to August 13, 2002 where August 08, 2002 was the 85th day of filing** where the Petitioner's Lawsuit was filed on **August 08, 2002** that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have accepted and enabled the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjury that have violating and breaking State, Federal, and Constitutional Laws (28 U.S.C. &2403).

The Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia cannot use "the doctrine of res judicata" with Perjured Non-Existence September 10, 2002 lie and a 180 days lie as reasons, grounds, and merits to Dismiss, Cover Up, and Justify the Respondents' illegal, unlawful, and unconstitutional Criminal Conduct and Activities in any of these Federally Filed Cases that are listed under this Federal Case (1:02-CV-2197) where the Petitioner is requesting that the Department of Justice investigate and prosecute accordingly (28 U.S.C. &2403(a)).

From the Petitioner's Point of View: The entire Judiciary Process herein the State of Georgia is Discriminatory, Racist, Prejudice, and Corrupted where all of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) can serve as four perfect examples as to how the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have conducted and handled the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII after the Petitioner's August 08, 2002 Lawsuit Filing that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002 where thereafter the Respondents violated and broken State, Federal, and Constitutional Laws while deliberately violating (7) seven counts of Obstructing Federal Justice including (2) two counts of Perjury where the Respondents' Criminal Activities have been ignored by the Courts (28 U.S.C. &2403(a)).

TABLE OF AUTHORITIES

Facts:

a.) The United States Constitution
b.) The Declaration of Independence
c.) The Emancipation Proclamation
d.) The 13th, the 14th, the 15th, and the 19th Amendments to the United States Constitution

e.) The United States Constitutional Civil Rights Acts of 1964, 1981, and 1991 as amended "et al".

f.) The Federal Retaliation and Discrimination Laws of the E.E.O.C. and the U..ited States Constitution that under Title I, Title V, and Title VII

g.) The Georgia Commission on Equal Opportunity Letter Dated October 22, 2001 from Mr. Todd S. Garrison that confirms that the starting date of the Petitioner's 300 days filing Statutory Period was October 22, 2001 that is undeniable and undisputed by the Respondents

h.) The U.S. Equal Employment Opportunity Commission Right to Sue Letter Dated May 15, 2002 that is undeniable and undisputable by the Respondents

i.) The State Bar of Georgia Letter from the Office of the General Counsel that confirms that the Attorney Charles D. Best is a shady and unscrupulous individual at best dated July 20, 2005 where all transactions made by the Attorney Charles D. Best have been **RESCINDED** that is undeniable and undisputable by the Respondents

j.) GEORGIA STATE LAW GENERAL DEFINITION OF DUAL AGENCY: A dual agency arrangement is one in which an agent has been empowered to act for more than one party in a particular transaction. Dual Agency is only allowed with the knowledge and consent

of all parties involved, and the agreement for such a relationship must be in writing. Without proper disclosure of the dual agency, no commission or fee may be earned by the agent, the agent may be liable to one or more parties for actual and /or punitive damages, and in some circumstance, one or more parties to the transaction may elect to rescind the transaction.

k.) The State of Georgia Performance Management Forms under the year 2000 ending dates that give a clear description as to the Petitioner's Employment History and Job Expectations that is undeniable and undisputable by the Respondents

l.) The Georgia Department of Defense Letter from the State Personnel Office Dated March 12, 2001 by Defendant Sandra Bruce that confirms the Effective Date of May 01, 1998 for the State DOD Personnel Policies and Procedures that is undeniable and undisputable by the Respondents

m.) The Georgia Department of Defense Personnel Policies and Procedures with the Effective Date of May 01, 1998 that is undeniable and undisputable by the Respondents

n.) DCS-OPS-MS (190) Regulated Job Description Dated 29 June 1995 that confirms that the Petitioner has been exercising his Authority since 1995 of authorizing and scheduling Leave for himself and his employees.

o.) A State of Georgia Training Certificate that was issued to the Petitioner and signed by the Governor Zell Miller for the successful completion of this training that makes the Petitioner an authority on this subject that is undeniable and undisputable by the Respondents

p.) The Performance Management Process Training under the Georgia Gain Guidelines of S.M.A.R.T. was never conducted by the Respondents with a P.M.P. as apart of the State DOD Personnel Policies and Procedures when the Respondents terminated the Petitioner's Employment that was in direct violations of the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution that is undeniable and undisputable by the Respondents

q.) The Letter from Kaiser Permanente Dated September 20, 2002 that confirms that the Petitioner was under the Doctor's Care and Treatment awaiting surgery when the Respondents violated the E.E.O.C. Title I, Title V, and Title VII by Harassing and Terminating the Petitioner's Employment for filing his Lawsuit in Federal Court on August 08, 2002 that is undeniable and undisputable by the Respondent

r.) The Leave Grids signed by Sgt. Williams while under the non-established supervision of Mark Williams that was not in accordance to the State of Georgia DOD Policies, Procedures,

Guidelines, and Regulations that confirms that the Petitioner was still authorizing Leave for himself and his employees that is undeniable and undisputable by the Respondents

s.) The Petitioner's August 08, 2002 Lawsuit that was filed under Civil Action Case Number 1:02-CV-2197 in Federal Court within the statue on the 85th day within the 90 days Right to Sue Letter Statutory Period dated May 15, 2002 and within the statue on the 290th day within the 300 days Filing Statutory Period dated October 22, 2001 where this Lawsuit was filed within complete compliance of the statues that is undeniable and undisputable by the Respondents.

INDEX TO APPENDICES

1. **Appendix A** – This is the Magistrate Judge's Final Report and recommendation and Order including Petitioner's Footnotes Dated August 31, 2005, (1a., 2a., 3a., 4a., 5a., 6a., and 7a.)

2. **Appendix B** – This is the Magistrate Judge's Order of Service of Non-Final Report and Recommendation including Petitioner's Footnotes dated August 31, 2005, (8a. and 9a.)

3. **Appendix C** – This is the District Judge's Order including Petitioner's Footnote dated October 5, 2005, (10a.)

4. **Appendix D** – This is the Appeal Decision that could not control the Magistrate Judge and District Judge's Favoritism Behavior including Petitioner's Footnote dated January 11, 2006, (11a. and 12a.)

5. **Appendix E** – This is the Appeal Decision after filed for a Rehearing En Banc dated including Petitioner's Footnote March 28, 2006, (13a. and 14a.)

SEPARATE DOCUMENTED FACTS AND EVIDENCES APPENDIX

6. **Appendix F** – This is a Bill from the Dekalb County EMS of services rendered on 10/06/01, (15a.)

7. **Appendix G** – This is the Complaint that the Petitioner placed in the mail to the G.C.E.O. on October 17, 2001, (16a., 17a., 18a., 19a., and 20a.)

8. **Appendix H** – Dr. Stephen M. McCollam Surgery Operative Note Dated 10/18/01, (21a.)

9. **Appendix I** – This is an Intake Dismissal Form Dated October 22, 2001 from Mr. Todd S. Garrison confirming receipt and transfer, (22a. and 23a.)

10. **Appendix J** – The E.E.O.C. Right to Sue Letter dated May 15, 2002, (24a., 25a., and 26a.)

11. **Appendix K** – This is the U.S. Clerk's Stamped Front Page of the lawsuit that was filed by the Petitioner within the legal 300 days statutory limits dated August 08, 2002, (27a.)

12. **Appendix L** – This is a letter receipt and agreement between the Attorney Charles D. Best and the Petitioner dated September 09, 2002, (28a., 29a., 30a., 31a., and 32a.)

13. **Appendix M** – The Doctor's Letter from Kaiser Permanente Dated September 20, 2002, (33a.)

14. **Appendix N** – This is an illegal, unlawful, and unconstitutional retaliation assault of a Separation Notice the day the Respondents were served on September 27, 2002 by the Attorney Charles D. Best, (34a. and 35a.)

15. **Appendix O** – The Petitioner's Statement Regarding Mark Williams and the State of Georgia DOD Policies, Procedures, Guidelines, and Regulations, (36a., 37a., and 38a.)

16. **Appendix P** – This is the Georgia Department of Defense Personnel Policies and Procedures with the Effective Date of May 01, 1998, (39a. and 40a)

17. **Appendix Q** –, This is the DCS-OPS-MS (190) Regulated Job Description dated 29 June 1995, (41a., 42a., 43a., and 44a.)

18. **Appendix R** – This is the Prevailing P.M.P. and Evaluation until another one has been established dated September 30, 1999, (45a., 46a., 47a., and 48a.)

19. **Appendix S** – This is a receipt for cash where the Petitioner was paying the Attorney Charles D. Best and totally unaware of his undisclosed Dual Agency Relationship with the Respondents dated October 05, 2002, (49a., and 50a.)

20. **Appendix T** – This is the January 13, 2003 Show Cause Order that was received after the Respondents were served on September 27, 2002 that was immediately turned over to the Attorney Charles D. Best under an undisclosed Dual Agency, (51a. and 52a.)

21. **Appendix U** – This is where the Attorney Charles D. Best and the Respondents dismissed the Petitioner's Federal Case as a direct means of Eluding and Obstructing

Federal Justice under an undisclosed Dual Agency Relationship, (53a. and 54a.)

22. **Appendix V** – This is a letter receipt for cash where the Petitioner was still paying the Attorney Charles D. Best where the Petitioner was still unaware as to what is actually happening and going on within this Federal Case dated March 17, 2003, (55a. and 56a.)

23. **Appendix W** – This is a letter from the State Bar of Georgia Office of the General Counsel where State Bar confirms that the Attorney Charles D. Best is shady and unscrupulous as to performing under an undisclosed Dual Agency dated July 20, 2005, (57a. and 58a.)

24. **Appendix X** – This is another letter from the State Bar of Georgia and an Order issued by the Georgia Supreme Court disbarring the Attorney Charles D. Best dated December 01, 2005, (59a., 60a., 61a., and 62a.)

IN THE
Supreme Court of the United States

Sgt. Emmett L. Williams
Petitioner, Plaintiff
-Vs.-
State of Georgia, "et al." **05-15760-CC**, and three other Incorporated Conspiracy Cases known as: Appeal Cases: 05-15648-JJ and 05-17046-BB, and 05-11275-AA (05-833)
Respondents, Defendants

Petition for a Writ of Certiorari To the United States Court of Appeal for the Eleventh Circuit and For the Northern District of Georgia

The Petitioner, Sgt. Emmett L. Williams, prays that a Writ of Certiorari is issued as to review the Decisions, Orders, and Judgments of the United States District Court and the United States Court of Appeals in the Northern District of Georgia and the Eleventh Circuit entered in this proceeding on August 31, 2005, October 05, 2006, and March 28, 2006 where the Magistrate Judge, District Judge, and Appeal Judges cannot unconstitutionally use "the doctrine of res judicata" with a Perjured Non-Existence September 10, 2001 lie and a 180 days lie to Dismiss, Cover Up, or Justify the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice and (2) two counts of Perjured (28 U.S.C. &2403(a)).

Jurisdiction.

The Decisions, Orders, and Judgments of the United States District Court were entered on August 31, 2005 and October 05, 2005. The United States Court of Appeals was entered on January 11, 2006. The Petition for rehearing and rehearing En Banc were denied on March 28, 2006, and this Petition for Certiorari is being filed within 90 days because the Federal Courts are enabling the Respondents' Criminal Activities where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia cannot unconstitutionally use "**the doctrine of res judicata" with a Perjured Non-Existence September 10, 2001 and a 180 days lie to Dismiss, Cover Up, or Justify the Respondents' Criminal Conduct and Activities of Discriminating, Sabotaging, and Derailing an ongoing Federally Filed Lawsuit Case (1:02-CV-2197).** The Jurisdiction of this Court is invoked under 42 U.S.C. &2000e-5(f) and 28 U.S.C. &1331, &1337, 1343(4), & 28 U.S.C. &2403(a) because the Petitioner is a "person" within the meaning of 42 U.S.C. &2000e(a) and **28 U.S.C. &2403(a)**, and is subject to the jurisdiction of this Federal Court. Jurisdiction is founded upon the Constitution of the United States pursuant to the Civil Rights Act of 1964 (Title VII), as amended by the Civil Rights Act of 1991, 42 U.S.C., &2000e et. seq., to include Titles I and V of the A.D.A. of 1990; and upon the inherent and the traditional powers of this Court to do Justice.

Statement of the Case

The Petitioner's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Court on and after August 08, 2002 is demanding for the enforcement of the Georgia State Law of Undisclosed Dual Agency and Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII where the Magistrate Judge, the District, and the Appeal Judges herein the State of Georgia **CANNOT** unconstitutionally use "the doctrine of res judicata" with a Perjured Non-Existence September 10, 2001 lie and Perjured Non-Existence 180 days lie to Dismiss, Cover Up, or Justify the Respondents' Criminal Activities of (7) seven counts of Obstructing Federal Justice including (2) two counts Perjury where the Respondents violated, discriminated, sabotaged, and derailed an ongoing Federally Filed Lawsuit Case (1:02-CV-2197) as the Respondents deliberately violated and broken State, Federal, and Constitutional Laws of the land **where "the doctrine of res judicata" does not apply and the September 10, 2001 lie and the 180 days lie do not exist in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) 28 U.S.C. &2403(a).**

"**The doctrine of res judicata**" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist in any of the Petitioner's Federally Filed Lawsuit Cases that are listed under this Federal Case (1:02-CV-2197) **because** the February 12, 2003 Dismissal of the Petitioner's August 08, 2002 Lawsuit (1:02-CV-2197) was **RESCINDED as being declared NULL and VOID** do to a undisclosed Dual Agency Relationship that existed between the Attorney Charles D. Best and the Respondents that **DEAD DOCKETED** this Federally Filed Lawsuit Case (1:02-CV-2197) where this Federal Case was filed by the Petitioner on August 08, 2002 within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002 where a Judgment has never been rendered in this Federally Filed Lawsuit Case (1:02-CV-2197) and where the Petitioner's August 08, 2002 Federally Filed Lawsuit was never properly dismissed in accordance with the GEORGIA STATE LAW OF UNDISCLOSED DUAL AGENCY and the FEDERAL RETALIATION and DISCRIMINATION LAWS OF THE E.E.O.C. and the UNITED STATES CONSTITUTION under TITLES I,V, and VII.

The Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have refused to enforce the Georgia State Law of Undisclosed Dual Agency and the Federal

Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII after the Petitioner's August 08, 2002 Lawsuit Filing as it pertains to the Petitioner's United States Guaranteed Constitutional Civil Rights as a Black Disabled United States American Citizen as being the overall prevailing State and Federal Laws of the Land.

The United States Attorney **DAVID E. NAHMIAS** and the Assistant United States Attorney **MELAINE A. WILLIAMS** should be representing the Petitioner's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) against the Respondents (7) seven counts of Obstructing Federal Justice including (2) two counts of perjury that was committed by the Respondents after the Petitioner's August 08, 2002 lawsuit filing **that was in retaliation for the Petitioner filing his lawsuit in Federal Court on August 08, 2002.**

The Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia are fully aware that the Petitioner was a State of Georgia Employee with an E.E.O.C. 300 days Entitlement for filing his Lawsuit **that existed between October 22, 2001 to August 18, 2002 in accordance with the Federal Laws of E.E.O.C. and the United States Constitution** where this Federally Filed Lawsuit Case (1:02-CV-2197) was

filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002 **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

The United States Attorney **DAVID E. NAHMIAS** and the Assistant United States Attorney **MELAINE A. WILLIAMS** would be obligated by Federal Law to investigate and prosecute all of the Respondents that were involved with violating, discriminating, sabotaging, and derailing of this ongoing Federally Filed Lawsuit Case (1:02-CV-2197) **where the Magistrate Judge, the District Judge, and the Appeal Judges cannot unconstitutionally use "The doctrine of res judicata" with a Perjured Non-Existence September 10, 2001 lie and a Perjured Non-Existence 180 days lie to Dismiss, Cover Up, or Justify the Respondents' Criminal Activities of (7) seven counts of Obstructing Federal Justice including (2) two counts of Perjury** as the Respondents deliberately violated and broken State, Federal, and Constitutional Laws after the Petitioner's August 08, 2002 Lawsuit filing that came under the Federal Judiciary Protection Power of the Federal Courts on and after August 08, 2002 **where "the doctrine of res judicata" does not apply and where the**

September 10, 2001 lie and the180 days lie do not exist (28 U.S.C. &2403(a)).

In accordance with the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII, the Petitioner has **RESCINDED** all transactions made by the Attorney Charles D. Best and the Respondents' undisclosed Dual Agency Relationship after September 27, 2002 **including the illegal, unlawful, and unconstitutional February 12, 2003 dismissal of the Petitioner's Federally Filed Lawsuit Case (1:02-CV-2197)** where in accordance with the Georgia State Law of undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution, the Petitioner's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) is still active, legal, valid, and enforceable by State, Federal, and Constitutional Law **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

The Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia have not of yet enforced the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the

E.E.O.C. and the United States Constitution under Titles I, V, and VII that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002 where the Respondents sabotaged and derailed an ongoing Federally Filed Lawsuit Case (1:02-CV-2197) after Petitioner's August 08, 2002 Lawsuit filing **where "the doctrine of res judicata" does not apply where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

The Reason For Granting This Writ is Because the Magistrate Judge, the District Judge, and the Appeal Judges cannot unconstitutionally use "The doctrine of res judicata" with a Perjured Non-Existence September 10, 2001 lie and a Perjured Non-Existence 180 days lie as reasons, grounds, and merits to Dismiss, Cover Up, or Justify the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice including (2) two counts of Perjury:

1. The Petitioner will continue to argue that the Petitioner was a State of Georgia Employee with a total of 300 E.E.O.C. filing days as a State of Georgia Employee's Entitlement under Federal Laws of the E.E.O.C. **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

The Petitioner will continue to argue that the Petitioner mailed his lawsuit complaint into the GEORGIA COMMISSION ON EQUAL OPPORTUNITY on October 17, 2001 where the Intake Coordinator Mr. Todd S. Garrison acknowledged receipt of the Petitioner's Complaint on October 22, 2001 where Mr. Garrison filed and transferred the Petitioner's Complaint on October 22, 2001 to the Federal E.E.O.C. as requested by the Petitioner **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

2. The Petitioner will continue to argue that the Petitioner's E.E.O.C. 300 days filing statutory time period **started on October 22, 2001 and ended on August 18, 2002 where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

3. The Petitioner will continue to argue that the Petitioner **received his Right to Sue Letter from the E.E.O.C. on May 15, 2002** where Petitioner had to file his lawsuit complaint in State or Federal Court within 90 days from receipt of that Right to Sue Letter **that ended on August 13, 2002 where "the doctrine of res judicata" does not apply**

and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).

4. The Petitioner will continue to argue that the Petitioner filed his lawsuit complaint **in Federal Court on August 08, 2002** within the legal filing limits of the E.E.O.C. 300 days and 90 days Statues that were before the date of August 13, 2002 and August 18, 2002 statutory ending dates **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not apply (28 U.S.C. &2403)).**

5. The Petitioner will continue to argue that the Petitioner's lawsuit complaint was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues **where the Petitioner's lawsuit complaint (1:02-CV-2197) came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002 where "the doctrine of res judicata" does not apply and the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

6. The Petitioner will continue to argue that the Petitioner hired the Attorney Charles D. Best on September 09, 2002 after the

Petitioner's August 08, 2002 Lawsuit Filing in Federal Court that was originated by the Petitioner **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180days lie do not exist (28 U.S.C. &2403(a)).**

7. The Petitioner will continue to argue that while the Petitioner was on authorized leave under the Doctor's care and treatment while awaiting surgery **that was in accordance with the DSC-OPS-MS 190 REGULATED 1995 JOB DESCRIPTION that has never been altered, amended, deleted, or changed in accordance with the State of Georgia DOD Personnel Policies and Procedures upon a Performance Management Plan (P.M.P)** where on September 27, 2002, the Respondents was properly served by the Attorney Charles D. Best with thePetitioner's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) where the Attorney Charles D. Best retained possession of those United States Courthouse Serving Papers Documents after they had been served and signed by the Respondents where the Attorney Charles D. Best had until December 06, 2002 to file those Serving Papers Documents in Federal Court, but the Attorney Charles D. Best and the Respondents decided to engaged

themselves into an illegal, unlawful, and unconstitutional undisclosed Dual Agency Relationship **that is prohibited by the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII** while this Federally Filed lawsuit Case (1:02-CV-2197) was already established under the Federal Judiciary Protection Powers of the Federal Courts on and after the Petitioner's August 08, 2002 lawsuit filing where this undisclosed Dual Agency Relationship between the Respondents and the Attorney Charles D. Best was and is a violation against State, Federal, and Constitutional Laws **where this was an illegal, unlawful, and unconstitutional violation of Obstructing Federal Justice as Count Number (1) One where the Petitioner is requesting that the U.S. Department of Justice where "the doctrine of res judicata" does not apply and where theSeptember 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

8. The Petitioner will continue to argue that on September 27, 2002, the Petitioner was under the Doctor's care and treatment awaiting surgery where the Attorney Charles D. Best and the Respondents under an

undisclosed Dual Agency Relationship used the United States Courthouse Serving Papers as their instrument of exchange **as the Attorney Charles D. Best and the Respondents BOUGHT, SOLD, and RAPED the Petitioner of all of his United States Guaranteed Constitutional Civil Rights, Liberties, and Freedoms as a Black Disabled United States American Citizen where the Attorney Charles D. Best and the Respondents DEAD DOCKETED this Federally Filed Lawsuit Case (1:02-CV-2197) on September 27, 2002** as the Respondents and the Attorney Charles D. Best reduced the Petitioner's United States American Citizenship down to something less than a Slave **while this Federally Filed Lawsuit Case (1:02-CV-2197) was already under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002** where this was an illegal, unlawful, and unconstitutional violation of Obstructing Federal Justice as Count Number (2) Two **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

9. The Petitioner will continue to argue that on September 27, 2002 as the Petitioner was under the Doctor's care and treatment while

awaiting surgery, the Attorney Charles D. Best and the Respondents were engaged deeply in a undisclosed Dual Agency Relationship **where the Respondents terminated the Petitioner's Employment from the State of Georgia DOD without having an established, required upon, properly signed, prerequisite, Performance Management Plan (P.M.P.) and without having any justifiable Probable Cause for their actions** while this Federally Filed Case (1:02-CV-2197) was already under the Federal Judiciary Protection Power of the Federal Courts on and after August 08, 2002 where **this was an illegal, unlawful, and unconstitutional violation of Obstructing Federal Justice as Count Number (3) Three where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

10. The Petitioner will continue to argue that during the months of November and December 2002 while Attorney Charles D. Best and the Respondents were deeply engaged in an illegal, unlawful, and unconstitutional undisclosed Dual Agency Relationship **that the Administrative Hearing Judge permitted and allowed the Respondents to continue with a character**

assassination against the Petitioner without having an established, required upon, properly signed, prerequisite, Performance Management Plan (P.M.P.) and without having any justifiable Probable Cause for their actions of terminating the Petitioner's Employment where the Respondents, the Attorney Charles D. Best, and the Administrative Hearing Judge permitted and allowed these proceedings to continue without an justifiable Probable Cause where they were fully aware and knowledgeable of the Petitioner's August 08, 2002 lawsuit filing in Federal Court that was under the Federal Judiciary Protection Powers of the Federal Courts **because the Administrative Hearing Judge confirmed with everyone at the beginning of these proceedings where the Administrative Hearing Judge stated that it was to his understanding that there was a Federally Filed Lawsuit Case pending that had been filed and served where the Judge ask the Attorney Charles D. Best as to how did he wanted to proceed** where the Attorney Charles D. Best stated that he was going to allow both track to run at the same time **where the Respondents never said or communicated during these proceedings that the Respondents had not been served any Lawsuit documents by the Petitioner or**

the Petitioner's Attorney or that the Respondents did not have any knowledge of any Federally Filed Case that had been filed or served by the Petitioner where the Respondents, the Attorney Charles D, Best and the Administrative Hearing Judge were all deeply engaged within this undisclosed Dual Agency Relationship by allowing these proceedings to continue without having an established, required upon, properly signed, prerequisite Performance Management Plan (P.M.P.) or having any justifiable Probable Cause for their actions for terminating the Petitioner's Employment where this was an illegal, unlawful, and unconstitutional violation of Obstructing Federal Justice as Count Number (4) Four **where "the doctrine of res judicata" does not apply and the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a))**.

11. The Petitioner will continue to argue that on January 13, 2003 that the United States District Court issued the Petitioner a SHOW CAUSE order where the Petitioner immediately turned over to the Attorney Charles D. Best where the Attorney Charles D. Best was deeply engaged in an illegal, unlawful, and unconstitutional undisclosed Dual Agency Relationship with the Respondents where the Petitioner instructed

the Attorney Charles D. Best to file a statement of fact to the Federal Court explaining why the United States Courthouse Serving Papers had not been filed in Federal Court prior to December 06, 2002 where the Attorney Charles D. Best and the Respondents under an undisclosed Dual Agency Relationship were knowledgeable of the facts as to why these United States Courthouse Serving Papers had not been filed in Federal Court where the Attorney Charles D. Best and the Respondents had an obligation to disclose all known and knowledgeable Material facts to the Federal Courts concerning this Federally Filed Lawsuit Case (1:02-CV-2197) that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts **where the Attorney Charles D. Best and the Respondents refused to disclose known and knowledgeable Material Facts to the Federal Court under this SHOW CAUSE order under their undisclosed Dual Agency Relationship where the Respondents and the Attorney Charles D. Best committed an act of Obstructing Federal Justice including an act of Perjury before, on, and after January 13, 2003 Show Cause Order from the United States District Court** where this was an

illegal, unlawful, and unconstitutional violation of Obstructing Federal Justice as Court Number (5) Five including (1) One count of Perjury **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

12. The Petitioner will continue to argue that on February 12, 2003 while the Attorney Charles D. Best and the Respondents were deeply engaged in an illegal, unlawful, and unconstitutional undisclosed Dual Agency Relationship, **the Attorney Charles D. Best and the Respondents dismissed the Petitioner's Federally Filed Lawsuit Case (1:02-CV-2197)** while this Federally Filed Lawsuit Case (1:02-CV-2197) was under the Federal Judiciary Protection Powers of the Federal Courts on and after the Petitioner's August 08, 2002 lawsuit filing in Federal Court where this was an illegal, unlawful, and unconstitutional violation of Obstructing Federal Justice as Count Number (6) Six **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

13. The Petitioner will continue to argue that all transactions made by the Attorney Charles D. Best and the Respondents undisclosed

Dual Agency Relationship after September 27, 2002 have been **RESCINDED** as being declared **NULL and VOID** by the Petitioner in accordance with the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I. V, and VII where the Petitioner filed his Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) that addressed the Respondents' Criminal Activities of (7) seven counts of Obstructing Federal Justice including (2) two counts of Perjury in Federal Court starting on August 19, 2004 as to updating the Petitioner's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) as a Pro-Se Litigant **where the Respondents and the Respondents' Attorneys (G. Melton, Mobley, Bryan K. Webb, Dennis R. Dunn, and Thurbert E. Baker) deliberately submitted and created perjured illegal, unlawful, and unconstitutional testimony of a non-existence September 10, 2001 lie and a Non-Existence180 days lie as a direct means as to deceiving the Federal Court** while the Respondents and the Respondents' Attorneys knew for a fact that September 10, 2001was a lie and the 180 days was a lie that did not exist within this Federally Filed Case (1:02-CV-2197) where the Respondents and

the Respondents' Attorneys deliberately lied to deceiving the Federal Courts while refusing to disclose a known and knowledgeable Material Fact where the Respondents and the Respondents' Attorneys knew for a fact that the Petitioner was a State of Georgia Employee with an E.E.O.C. Entitlement of 300 filing days that started on October 22, 2001 and ended on August 18, 2002 where this was an legally, unlawful, and unconstitutional violation of Obstructing Federal Justice as Count Number (7) seven including (1) one counts of Perjury **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

14. The Petitioner will continue to argue **that "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist in any of the Petitioner's Federally Filed Lawsuit Cases the are filed under this Federal Case (1:02-CV-2197** because:

a.) The February 12, 2003 Dismissal of the Petitioner's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) was **RESCINDED** as being declared **NULL and VOID** do to a undisclosed Dual Agency Relationship that existed between

the Attorney Charles D. Best and the Respondents that unconstitutionally **DEAD DOCKETED** this Federally Filed Lawsuit Case (1:02-CV-2197) on September 27, 2002 **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

b.) Where this Federally Filed lawsuit Case (1:02-CV-2197) was filed by the Petitioner on August 08, 2002 within the Legal Filing Limits of the E.E.O.C. 300 days and 90 days Statues that came under the Federal Judiciary Protection Powers of the Federal Court on and after August 08, 2002 **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist.**

c.) Where a **JUDGMENT** has never been **RENDERED** in this Federally Filed Lawsuit Case (1:02-CV-2197) **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist.**

d.) Where the Petitioner's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) was never properly dismissed in accordance with the Georgia State Law of

Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII after the August 08, 2002 filing **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a).**

e.) Where the Petitioner has met all of the January 13, 2003 Show Cause Order Requirements of giving reasonable justifiable Probable Cause as to explaining why that the Federal Courthouse Serving Papers of the Petitioner's August 08, 2002 Lawsuit Filing that was properly served upon the Respondents on September 27, 2002 by the Attorney Charles D. Best was never filed in Federal Court by the Attorney Charles D. Best where the Attorney D. Best had between September 27, 2002 to December 06, 2002 to file the served Federal Courthouse Serving Papers in Federal Court where the Attorney Charles D. Best and the Respondents were deeply engaged in a undisclosed Dual Agency Relationship on and after September 27, 2002 that was a violation of the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C.

and the United States Constitution under Titles I, V, and VII after the Petitioner's August 08, 2002 Lawsuit filing (1:02-CV-2197) that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002 where the Attorney Charles D. Best and the Respondents violated and broken State, Federal, and Constitution Laws of (7) seven courts of Obstructing Federal Justice including (2) two counts of Perjury by refusing to disclose known and knowledgeable material facts that they knew to be a fact to the Federal Courts before, on, and after January 13, 2003 **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

f.) Where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia **CANNOT** unconstitutionally use "the doctrine of res judicata" with a Perjured Non-Existence September 10, 2001 lie and Perjured Non-Existence 180 days lie as reasons, grounds, and merits to Dismiss, Cover Up, or Justify the Respondents' Criminal Activities of (7) seven counts of Obstructing Federal Justice including (2) two counts of Perjury of violating,

discriminating, sabotaging, and derailing an ongoing Federally Filed Lawsuit Case (1:02-CV-2197) while the Respondents violated and broken State, Federal, and Constitutional Laws after the Petitioner's August 08, 2002 Lawsuit Filing **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

The Respondents created a illegal, unlawful, and unconstitutional charge of Unauthorized Leave against the Petitioner's Employment to Cover up and Justify their unconstitutional Criminal Conduct and Activities of Obstructing Federal Justice where the Respondents deliberately violated State, Federal, and Constitutional Laws after the Petitioner's August 08, 2002 Lawsuit filing where the Petitioner had a total of 358 hours of Annual Leave on the books in the Personnel Office files, including a total of 344 hours of Sick Leave with a total of 181 hours of Compensation Leave with a total of 8 hours of an untaken 4th of July Holiday, and with a total of 8 hours of an untaken Labor Day Holiday that Petitioner had already built up and maintained over a course of 16 years of faithful service.

The Petitioner's overwhelming body of evidences started where the Respondents

violating their own State of Georgia DOD Policies, Procedures, Guidelines, and Regulations after Petitioner's August 08, 2002 Lawsuit filing (1:02-CV-2197) where the Petitioner can prove beyond any shallows of any doubts that on September 27, 2002 that the Respondents illegally, unlawfully, and unconstitutional terminated the Petitioner's Employment from the State of Georgia without having an established, required upon, properly signed, prerequisite Performance Management Plan (P.M.P.) **where in accordance with the State of Georgia DOD Personnel Policies and Procedures that it is absolutely impossible to terminate any State of Georgia DOD Employee without an established, required upon, properly signed, prerequisite Performance Management Plan (P.M.P.)**, where on September 27, 2002, the Respondents proceeded with an illegal, unlawful, and unconstitutional termination of the Petitioner's Employment without having a P.M.P. or without having any justifiable Probable Cause in taking these actions against the Petitioner's Employment as a Black Disabled United States American Citizen that was under the Doctor's Care and Treatment awaiting surgery **where the Respondents retaliated against the Petitioner's where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

In the year 1995, **the Respondents gave the Petitioner the authority in writing to schedule and approval leave for himself and his employees on a retroactive bases under the doctrine of the DCS-OPS-MS 190 REGULATED 1995 JOB DESCRIPTION** where the Petitioner scheduled and performed his duties under this doctrine on a day to day bases for more than (7) seven years with absolutely no problems or complaints whatsoever from the Respondents where the Respondents turned-in excellent evaluation reports on the Petitioner's Job Performances under this 1995 doctrine over the course of these (7) seven years **where the Respondents have never altered, amended, deleted, or changes this 1995 doctrine within boundaries of the State of Georgia Policies,Procedures, Guidelines, and Regulations** of an established, required upon, properly signed, prerequisite Performance Management Plan (P.M.P.) that was always issued to all of the State of Georgia DOD Employees at the beginning of their Performance Management Periods **where the Respondents deliberately violated and discriminated against the Petitioner with this yearly Process and Procedure** where the Petitioner should have been issued a Performance Management Plan (P.M.P.) at the beginning of the Performance Management Period that should have been in the month of May 2002 with Mark Williams before the Petitioner's August 08, 2002 Lawsuit Filing and before the

Petitioner's September 27, 2002 unjustifiable and wrongful Employment Termination **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist (28 U.S.C. &2403(a)).**

The Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia are fully aware of the Petitioner's E.E.O.C. 300 days and 90 days filing statutory time periods that **existed from October 22, 2001 to August 18, 2002 where August 08, 2002 was the 290th filing day out of 300 days**, and the Petitioner's E.E.O.C. 90 days Right to Sue Letter filing statutory time period that **existed from May 15, 2002 to August 13, 2002 where August 08, 2002 was the 85th filing day out of 90 days** where the Petitioner's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues because **August 08, 2002** does not exceed beyond these two ending statutory filing dates of **August 13, 2002** and **August 18, 2002**.

The undeniable and undisputable facts:
The State of Georgia is one of the more PREJUDICE, RACIST, and DISCRIMINATORY States in the entire union where the Petitioner's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary

Protection Powers of the Federal Courts on and after August 08, 2002 is a perfect example as to showing the prejudices, the racisms, and the discriminations that actually exist within Courts Judiciary Justice Process of conducting and enforcing State, Federal, and Constitutional Laws herein the State of Georgia **where the Respondents' unconstitutional Criminal Conduct and Activities that have made the Petitioner a victim of Constitutional Rape that have raped the Petitioner of all of the Petitioner's United States Guaranteed Constitutional Civil Rights, Liberties, and Freedoms as a Black Disabled United States American Citizen after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197)** have been condoned and accepted by the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia where the Respondents violated (7) seven counts of Obstructing Federal Justice including (2) two counts of Perjury while deliberately violating, discriminating, sabotaging and derailing an ongoing Federally Filed Lawsuit Case (1:02-CV-2197) where the Respondents violated and broken the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197) where the Respondents' unconstitutional Criminal Conduct and Activities of (7) seven counts of Obstructing

Federal Justice including (2) two counts of perjury have not seen the inside of a Federal Courtroom as of yet where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia cannot unconstitutionally use "the doctrine of res judicata" with a Perjured Non-Existence September 10, 2001 lie and a Perjured Non-Existence 180 days lie as reasons, grounds, and merits to Dismiss, Cover Up, and Justify the Respondents' unconstitutional Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice including (2) two counts of Perjury **where "the doctrine of res judicata" does not apply and where the September 10, 2001 lie and the 180 days lie do not exist in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case(1:02-CV-2197) (28 U.S.C. &2403(a)).**

CONCLUSION

The Petitioner is requesting that the United States Attorney **DAVID E. NAHMIAS** and the Assistant United States Attorney **MELAINE A. WILLIAMS** investigate these (7) seven counts of Obstructing Federal Justice charges including (2) two counts of Perjury charges as to finding justifiable Probable Cause as to prosecuting all of the Respondents under these charges within the boundaries of these Federally Filed Cases (1:04-CV-2415, 1:05-CV-1303, 1:05-CV-1781, and 1:05-CV-2274) that are filed under this Federal

Case (1:02-CV-2197) (28 U.S.C. &2403(a)).

For all of the foregoing reasons explained above, Sgt. Emmett L. Williams' Petition for Certiorari should be granted and the Discriminatory Unconstitutional Decisions, Orders, and Judgments that were made against the Petitioner as a Black Disabled United States American Citizen by the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia should be vacated, reversed, and remanded for all future proceedings to be consistent with this action because the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia cannot unconstitutionally use "**the doctrine of res judicata" with a Perjured September 10, 2001 lie and a Perjury 180 days lie as reasons, grounds, and merits to Dismiss, Cover Up, or Justify the Respondents' Criminal Conduct and Activities of (7) seven counts of Obstructing Federal Justice including (2) two counts of Perjury** where "the doctrine of res judicata" does not apply and the Perjured September 10, 2001 lie and the Perjured 180 days lie do not exist in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) (28 U.S.C &2403(a)).

Respectfully Submitted,
/s/ EMMETT L. WILLIAMS
Sgt. Emmett L. Williams,
Pro-Se Litigant

APPENDIX

PAGES FROM: (1a. thru 14a.)

APPENDICES: (A THRU E)

These are the enforcement methods of the Magistrate Judge, District Judge, and the Appeal Judges herein the State of Georgia of enforcing the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Titles I, V, and VII around the Petitioner's United States Guaranteed Constitutional Civil Rights, Liberties, and Freedom as a Black Disabled United States American Citizen after the Petitioner's August 08, 2002 Lawsuit Filing (1:02-CV-2197) that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues **that came under the Federal Judiciary Protection Powers of the Federal Courts on and after August 08, 2002** where thereafter the Respondents violated (7) seven counts of Obstructing Federal Justice including (2) two counts of Perjury after this Petitioner's August 08, 2002 Lawsuit Filing where a Judgment has never been rendered in this Federally Filed Lawsuit Case (1:02-CV-2197) and where the Petitioner's August 08, 2002 Lawsuit was never properly dismissed in accordance with the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and United States Constitution under Titles I, V, and VII **where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia cannot Unconstitutionally or Discriminatorily use "the doctrine of res judicata" with a Perjured Non-Existence September 10, 2001 lie and a Perjured 180 days lie as reason, grounds, and merits to Dismiss, Cover Up, and Justify the Respondents' Criminal Conduct and Activities within any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this August 08, 2002 Lawsuit Case (1:02-CV-2197) where "the doctrine of res judicata" does not apply (28 U.S.C. &2403(a))**.

APPENDIX A – FINAL REPORT AND RECOMMENDATION AND ORDER DATED AUGUST 31, 2005 WITH THE PETITIONER'S FOOTNOTE COMMENTS AND ARGUMENT

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

SGT. EMMETT L. WILLIAMS

Plaintiff,

v.

CIVIL ACTION FILE

NO. 1:05-CV-1303-RLV-GGB

STATE OF GEORGIA, Department of Defense, National Guard Headquarters, MAJ. GEN. DAVID POYTHRESS, ATTORNEY CHARLES D. BEST; SANDRA BRUCE; ED. CHAMBERLAIN; and RAYMOND FAUNT,

Defendants.

NON-FINAL REPORT AND RECOMMENDATION AND ORDER

Plaintiff, who is proceeding without counsel, filed this action on May 17, 2005 against his former employer, several of its employees, and Charles D. Best (plaintiff's former attorney), Althrough the exact nature of plaintiff's allegations is unclear, he refers repeatedly to Title VII of the Civil Rights Act of 1964, 42 U.S.C. & 2000e, et. seq. ("Title VII"), and to his termination from employment by the State of Georgia in September 2002. (See Doc. 1). This action is presently before the court on a Motion to Dismiss (Doc. 14) filed by defendants State of Georgia, David Poythress, Sandra Bruce, Ed. Chamberlain, and Raymond Faunt (the "State defendants"). Although plaintiff filed an addidavit stating that defendant Best had been served with process on June 18, 2005, to date Mr. Best has not filed an

answer to plaintiff's complaint, or a motion to dismiss. This action is also before the court on several motions filed by plaintiff (Docs. 3, 5, 17), all of which appear to function as a response to defendants' Motion to Dismiss and seek to "amend into the record" evidence and other information purportedly supporting plaintiff's claims.

For reasons discussed below, the undersigned **RECOMMENDS** that the state defendants' Motion to Dismiss (Doc. 14) be **GRANTED** and that plaintiff's claims against these defendants be **DISMISSED with prejudice.**

The Court construes plaintiff's motions as response to defendants' Motion to Dismiss and has considered them. To the extent plaintiff seeks any other avtion by the court, his motion (Doc. 3, 5, and 17) are **DENIED.**

I. BACKGROUND

To date plaintiff has filed four civil actions in this court, all of which rely on Title VII and are related to his termination from employment by the State of Georgia. On August 8, 2003 **(Correction: August 08, 2002 (E.L.W.))**, plaintiff, who was then represented by counsel, filed Civil Action No. 1:02-CV-2197-RLV ("Williams 1") against the State of Georgia and two of its employees **(Correction: as Conspirators (E.L.W.))** (Sandra Bruce and Raymond Faunt). After failing to serve process, plaintiff voluntarily dismissed Williams I (without prejudice) on February 12, 2003.

Appendix A

(Correction Footnote: It was the Attorney Charles D. Best and the defendants under an undisclosed Dual Agency Relationship that voluntarily dismissed Williams I on February 12, 2003 without the Petitioner's signature consent as the originator of this Federally Filed E.E.O.C. August 08, 2002 Lawsuit (1:02-CV-2197) where the Petitioner has RESCINDED all transactions made by the Attorney Charles D. Best after September 27, 2002 as being NULL and VOID (E.L.W.)).

On August 19, 2004, plaintiff (without the assistance of counsel) filed Civil Action No. 1:04-CV-2415-RLV ("Williams II") against the State of Georgia and three of its employees (Ed. Chamberlain, Sandra Bruce, and Raymond Faunt), making essentially the same allegations **(Correction: as being apart of these Conspirators that was identified in "Williams I" (E.L.W.))** as in Williams I. On February 24, 2005, Judge Vining dismissed Williams II with prejudice because plaintiff had not filed it within 90 days of receiving notification from Equal Employment Opportunity Commission of his right to sue under Title VII **(Comment: which that is a lie because the Petitioner filed his lawsuit within the legal filing limits of E.E.O.C. 300 days and 90 days statues on August 08, 2002 (E.L.W.)).** Plaintiff filed an appeal on March 8, 2005, which is still pending.

Appendix A

On May 17, 2005, Plaintiff filed the instant action ("Williams III"), which again duplicates his prior claims. The defendants in Williams III are the same as in Williams III are the same in Williams II with addition of David Poythress (also an employee of the State of Georgia) and Charles D. Best (plaintiff's former Attorney).

Footnote:

It is unclear whether plaintiff intended to add General Poythress as a defendant in Williams III **(the answer is Yes (E.L.W.))**. (See Doc. 1 at 1) Furthermore, plaintiff's complaint in Williams II (if interpreted in a similar manner as in Williams III) could be construed as including General Poythress as a defendant. In any event, the court will assume that General Poythress is a party to Williams III and that he was not a party to Williams II.

(Petitioner's Footnote Response: All of the Conspiracies that have existed within the boundaries of these illegal, unlawful, and unconstitutional Federally Filed Conspiracy related cases have all existed under the Poythress' Administration where absolutely nothing is authorized to happen on this Job Site unless Poythress have authorized all of these things to happen on this Job Site where Poythress is the powers source behind of these illegal, unlawful, and unconstitutional activities, violations, and discriminations including sabotaging and derailing of this Federally Filed Case (1:02-CV-2197).

Finally, on July 7, 2005, plaintiff filed Civil Action No. 1:05-CV-1781-RLV ("Williams IV") against the State of Georgia, General Poythress, and two previously unnamed employees of the State of Georgia: Thomas H. Blackstock and

Appendix A

James Bruno. A Motion to Dismiss is currently pending in Williams IV, which is the subject of a separate Report and Recommendation file contemporaneously herewith.

II. DISCUSSION

The state defendants argue that all of plaintiff's claims against them should be dismissed because they are barred by res judicata. (Doc. 14, Brief at 9-11). "The doctrine of res judicata, or claim preclusion, forecloses relitigation of matters actually pr potentially litigated in earlier lawsuit. The doctrine applies only if four elements are present: 1) there is a final judgment on the merits of the first action, 2) the first decision is rendered by a court of competent jurisdiction, 3) the parties to both actions, or those in privity with them, are identical, 4) the causes of action in both suits are identical" Richardson v. Alabama State Bd. Id Educ. 935 F.2d 1240, 1244 (11th Cir. 1991)(citiation omitted). The first two factors are plainly present in this case. A final judgment has been entered in Williams II by a court of competent jurisdiction.

With respect to factor three, four of the defendants in Williams III – the State of Georgia, Chamberlain, Bruce, and Faunt – were also defendants in Williams II. As for General Poythress, he was referred to in Williams II and, in any event, is in privity with State of Georgia or purpose of plaintiff's Title VII claims. See Pelletier v. Zweifel, 921 F.2d 1465, 1502 (11th Cir.

Appendix A

1991)("Where... the relations between two parties are analogous to that of principal and agent, the rule is that a judgment in favor of either, in an action brought by a third party, rendered upon a ground equally applicable to both, is to accepted as conclusive against the plaintiff's right of action against another.")(internal quotation marks omitted); Womack v. American Telephone & Telegraph Co., 982 F. Supp. 1460, 1463, (M.D. Ala 1997)(applying res judicate in favor of employees of the plaintiff's employer in a Title VII case); John Street Leasehold, LLC v. Capital Management Resource, LP, 283 F.3d 73, 75, (2d Cir.2002)(finding employees in privity with employer). Although the caption on plaintiff's complaint appears to state that General Poythress is being sued "individually", because plaintiff brings his claims under Title VII, claims against General Poythress in his individual capacity may not be maintain. See Busby v. City of Orlando, 931 F. 2d 764, 772 (11th Cir.1991) ("The relief granted under Title VII is against the employer....").

Finally, with respect to the fourth factor required for application of res judicata – identify of the cause of action – to the exent plaintiff's complaint in Williams III could be construed as containing claims not raised in Williams II, claim preclusion nonetheless applies because all of the claims arise from the same nucleus of operative fact – the circumstances surrounding plaintiff's termination. See, e.g., Kaspar Wire Wire Works, Inc v. Entin, 951 F. 2d 311, 315 (11th Cir. 1992)('In general, cases

involve the same nucleus of operative fact, or is based upon the same factual predicate, as a former action."

III. CONCLUSION

For the reasons stated, the undersigned **RECOMMENDS** that the Motion to Dismiss (Doc. 14) filed by defendants State of Georgia, David Poythress, Sandra Bruce, Ed Chamberlain, and Raymond Faunt be **GRANTED** and that plaintiff's claims against these defendants be **DISMISSED** with prejudice. Plaintiff's motions (3, 5, and 17) are **DENIED.IT IS SO ORDERED AND RECOMMENDED**, this 31st day of August, 2005.

/s/ Gerrilyn G. Brill
GERRILYN G. BRILL
UNITED STATES MAGISTRATE JUDGE

(Petitioner's Footnote Comments and Argument: All of the Arguments and Case Files raised and presented by the Respondents, Magistrate Judge, and District Judge are **ALL CONNECTED** to a Perjured Non-Existence September 10, 2001 Lie and a Perjured Non-Existence 180 days Lie that the Magistrate Judge and the District Judge have unconstitutionally permitted and allowed to exist as to shielding and protecting the Respondents' illegal, unlawful, and unconstitutional activities, violations, and discriminations of Sabotaging and Derailing the Petitioner's ongoing August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues **that was and is under the Federal Judiciary Protection Powers of the Federal Courts** where the Respondents' violated (7) Seven Counts of Obstructing Federal Justice including (2) Two Counts of Perjury while violating and breaking State and Federal Laws **where the Magistrate Judge and the District Judge cannot unconstitutionally Dismiss and Cover Up the Respondents' Criminal Activities in any of these Federally Filed Cases that are listed under this Federal Case (1:02-CV-2197)** (E.L.W))

APPENDIX B – ORDER FOR SERVICE OF NON-FINAL REPORT AND RECOMMENDATION WITH FOOTNOTES

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SGT. EMMETT L. WILLIAMS,

Plaintiff,

v.

CIVIL ACTION FILE

NO. 1:05-CV-1303-RLV-GGB

STATE OF GEORGIA, Department of Defense, National Guard Headquarters, MAJ. GEN. DAVID POYTHRESS; ATTORNEY CHARLES D. BEST; SANDRA BRUCE; ED. CHAMBERLAIN, and RAYMOND FAUNT,

Defendants.

ORDER FOR SERVICE OF
NON-FINAL REPORT AND RECOMMENDATION

Attached is the report and commendation of the United States Magistrate Judge made in this action in accordance with 28 U.S.C. & 636(b)(1) and L.R. 73, N.D.Ga. Let the same be filed and a copy, together with a copy of this Order, be served upon counsel for the parties.

Pursuant to 28 U.S.C. & 636(b)(1), each party may file written objections, if any, to this report and recommendation within ten (10) days of the receipt of this Order. Should objections be filed, they shall specify with particularity the alleged error or errors made (including reference by page number to the transcript if applicable) and shall be served upon the opposing party. The party filing objections will be responsible

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for obtaining and filing the transcript of any evidentiary hearing for review by the district court. If no objections are filed, the report and recommendations may be adopted as the opinion and order of the district court and any appellate review of factual finding will be limited to a plain error review. United States v. Slay, 714 F.2d 1093 (11th Cir. 1983), cert. denied, 464 U.S. 1050, 104 S. Ct. 729, 79 L. Ed. 2d 189 (1984).

The clerk is directed to submit the report and recommendation with objections, if any, to the district court after expiration of the above time period.

SO ORDERED, this 31st day of August, 2005.

/s/ Gerrilyn G. Brill
GERRILYN G. BRILL
UNITED STATES MAGISTRATE JUDGE

(**Petitioner's Footnote Comment and Argument**: All of the Arguments and Case Files raised and presented by the Respondents, the Magistrate Judge, and the District Judge are **ALL CONNECTED** to a Perjured Non-Existence September 10, 2001 Lie and a Perjured Non-Existence 180 days Lie that the Magistrate Judge and the District Judge have permitted and allowed to exist as to shielding and protecting the Respondents' illegal, unlawful, and unconstitutional activities, violations, and discriminations of Sabotaging and Derailing the Petitioner's ongoing August 08, 2002 Federally Filed Case (1:02-CV-2197) that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues **that came under the Federal Judiciary Protection Powers of the Federal Courts** that after August 08, 2002, the Respondents violated (7) Seven Counts of Obstructing Federal Justice including (2) Two Counts of Perjury where the Magistrate Judge and the District Judge cannot Dismiss and Cover Up the Respondents' illegal, unlawful, and unconstitutional Criminal Activities, Violations, and Discriminations **because it is against the law** (E.L.W.).)

APPENDIX C – THE OCTOBER 05, 2005 JUDGE'S ORDER INCLUDING THE PETITIONER'S FOOTNOTE COMMENT AND ARGUMENT

FILED IN CHAMBERS
U.S.D.C. Atlanta
OCT 05 2005
LUTHER D. THOMAS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SGT. EMMETT L. WILLIAMS,
Plaintiff,
v.
STATE OF GEORGIA, et al.,
Defendants.

CIVIL ACTION
NO. 1:05-CV-1303-RLV

ORDER

After carefully considering the report and recommendation of the Magistrate Judge, together with the objections thereto, the court receives it with approval and adopts it as the opinion and order of this court.

SO ORDERED, this /s/ 5th day of October, 2005.

/s/ Robert L. Vining, Jr.
ROBERT L. VINING, JR.
Senior United States District Judge

(Petitioner's Footnote Comment and Argument: All of the Arguments and Case Files raised and presented by the Respondents, the Magistrate Judge, and the District Judge are ALL CONNECTED to a Perjured Non-Existence September 10, 2001 Lie and a Perjured Non-Existence 180 days Lie that the Magistrate Judge and the District Judge have permitted and allowed to exist as to shielding and protecting the Respondents' illegal, unlawful, and unconstitutional activities, violations, and discriminations of Sabotaging and Derailing the Petitioner's ongoing August 08, 2002 Federally Filed Case (1:02-CV-2197) that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that came under the Federal Judiciary Protection Powers of the Federal Courts where after August 08, 2002, the Respondents violated (7) Seven Counts of Obstructing Federal Justice including (2) Two Counts of Perjury where the Magistrate Judge and the District Judge cannot Dismiss and Cover Up the Respondents' illegal, unlawful, and unconstitutional Criminal Activities of Discriminations because it is against the law (E.L.W.).)

APPENDIX D – THE JANUARY 11, 2006 APPEAL DECISION THAT COULD NOT CONTROL THE MAGISTRATE JUDGE AND THE DISTRICT JUDGE'S FAVORITISM BEHAVIOR AGAINST THE PETITIONER'S AUGUST 08, 2002 FEDERALLY FILED LAWSUIT (1:02-CV-2197) WITH THE PETITIONER'S FOOTNOTE COMMENT AND ARGUMENT

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT FILED

No. 05-15760-CC

U.S. COURT OF APPEAL ELEVENTH CIRCUIT JAN 11 2006 THOMAS K. KAHN CLERK

SGT. EMMETT L. WILLIAMS,

Plaintiff-Appellant,

Versus

STATE OF GEORGIA, Department of Defense National Guard Headquarters, MAJ. GEN. DAVID POYTHRESS, "et al.",

Defendants-Appellees

Appeal from the United States District Court
For the Northern District of Georgia

Before TJOFLAT, CARNES, and PRYOR, Circuit Judges

BY THE COURT:

This appeal is DISMISSED for lack of jurisdiction: The district court's October 7, 2005 order did not dispose of all of the claims against all of the parties and, therefore, is not final and appealable. See 28 U.S.C. & 1291; Haney v. City of Cumming, 69 F.3d1098, 1101 (11th Cir. 1995); Pitney Bownes, Inc. v. Mestre, 701F.2d 1365, 1368 (11th Cir. 1983); Broussard v. Lippman, 643 F,2d 1131, 1133 (5th Cir. Unit A Apr. 1981).

Appendix D

(Petitioner's Footnote Comments and Argument: All of the Arguments and Case Files raised and presented by the Respondents, Magistrate Judge, and District Judge including the United States Court of Appeals are **ALL CONNECTED** to a Perjured Non-Existence September 10, 2001 Lie and a Perjured Non-Existence 180 days Lies that the Magistrate Judge and the District Judge have unconstitutionally permitted and allowed to exist as to shielding and protecting the Respondents' illegal, unlawful, and unconstitutional activities, violations, and discriminations of Sabotaging and Derailing the Petitioner's ongoing August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues **that was and is under the Federal Judiciary Protection Powers of the Federal Courts** where the Respondents' violated (7) Seven Counts of Obstructing Federal Justice including (2) Two Counts of Perjury while violating and breaking State and Federal Laws **where the Magistrate Judge and the District Judge cannot unconstitutionally Dismiss and Cover Up the Respondents' Criminal Activities in any of these Federally Filed Cases that are listed under this Federal Case (1:02-CV-2197)** where these are the reasons that the Petitioner is requesting that the Department of Justice investigate and prosecute accordingly **(E.L.W).)**

APPENDIX E – THE MARCH 28, 2006 APPEAL DECISION THAT COULD NOT CONTROL THE MAGISTRATE JUDGE AND THE DISTRICT JUDGE'S FAVORITISM BEHAVIOR AGAINST THE PETITIONER'S AUGUST 08, 2002 FEDERALLY FILED LAWSUIT (1:02-CV-2197) WITH THE PETITIONER'S FOOTNOTE COMMENT AND ARGUMENT

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT FILED

No. 05-15760-CC

U.S. COURT OF APPEAL ELEVENTH CIRCUIT MAR 28 2006 THOMAS K. KAHN CLERK

SGT. EMMETT L. WILLIAMS,

Plaintiff-Appellant,

Versus

STATE OF GEORGIA, Department of Defense National Guard Headquarters, MAJ. GEN. DAVID POYTHRESS, "et al.",

Defendants-Appellees

Appeal from the United States District Court
For the Northern District of Georgia

Before TJOFLAT, CARNES, and PRYOR, Circuit Judges

BY THE COURT:

Appellant's January 27, 2006, "petition for rehearing en banc," construed as a motion for reconsideration of our January 11, 2006, order dismissing this appeal for lack of jurisdiction, is DENIED. See 28 U.S.C. & 1291; Haney v. City of Cumming, 69 F.3d1098, 1101 (11th Cir. 1995); Pitney Bownes, Inc. v. Mestre, 701F.2d 1365, 1368 (11th Cir. 1983); Broussard v. Lippman, 643 F. 2d 1131, 1133 (5th Cir. Unit A Apr. 1981).

Appendix E

(Petitioner's Footnote Comment and Argument: All of these arguments and case files raised and presented by the Magistrate Judge, the District Judge, and the United States Court of Appeals are ALL CONNECTED to a Perjured September 10, 2001 Lie and a Perjured 180 days Lie that the Magistrate Judge and the District Judge have unconstitutionally permitted and allowed to exist as to shielding and protecting the Respondents' illegal, unlawful, and unconstitutional activities, violations, and discriminations of Sabotaging and Derailing the Petitioner's ongoing August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) that was filed within the legal filing limits of the E.E.O.C. 300 days and 90 days statues that was and is under the Federal Judiciary Protection Powers of the Federal Courts where the Respondents' violated (7) Seven Counts of Obstructing Federal Justice including (2) Two Counts of Perjury where the Magistrate Judge and the District Judge cannot Dismiss and Cover Up the Respondents' illegal, unlawful, and unconstitutional Criminal Activities, Violations, and Discriminations of Sabotaging and Derailing an ongoing Federally Filed Case (1:02-CV-2197) where the Magistrate Judge, the District Judge, and the United States Court of Appeals cannot overthrow the Georgia State Law of undisclosed Dual Agency and Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Title I, V, and VII with a bunch of irrelevant and non-relevant arguments and case files that do not have anything to do with the Respondents' illegal unlawful, and unconstitutional activities, violations, and discriminations of sabotaging, and derailing an ongoing Federally Filed Case (1:02-CV-2197) which is against the law where the Petitioner is requesting that the United States Department of Justice investigate and prosecute accordingly (E.L.W.).)

SEPARATE APPENDIX

PAGES FROM: (15a. thru 62a.)

APPENDICES: (F THRU X)

The Judiciary Process herein the State of Georgia is so discriminatory, racist, and prejudice that the Magistrate Judge, District Judge, and Appeal Judges herein the State of Georgia have totally ignored all of the Petitioner's Documented Evidences and Facts that have proven beyond any shallows of any doubts that "the doctrine of res judicata" does not apply and the Perjured Non-Existence September 10, 2001 lie and the Perjured 180 days lie do not exist in any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) where the Magistrate Judge, District Judge, and Appeal Judges herein the State of Georgia have totally ignored all of the Petitioner's Documented Evidences and Facts, have totally ignored the Respondents' (7) seven counts of Obstructing Federal Justice including (2) two counts of Perjury after the Petitioner's August 08, 2002 Lawsuit Filing, have totally ignored the fact that a Judgment has never been rendered in this Federally Filed Lawsuit Case (1:02-CV-2197), have totally ignored the fact that this Federally Filed Lawsuit Case (1:02-CV-2197) has never been dismissed in accordance with the Georgia State Law of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of E.E.O.C. and the United States Constitution under Titles I, V, and VII where the Magistrate Judge, the District Judge, and the Appeal Judges herein the State of Georgia cannot unconstitutionally or discriminatorily use "the doctrine of res judicata" with a Perjured Non-Existence September 10, 2001 lie and a Perjured Non-Existence180 days lie as reasons, grounds, and merits to Dismiss, Cover Up, and Justify the Respondents' Criminal Conduct and Activities within any of the Petitioner's Federally Filed Lawsuit Cases that are filed under this Federal Case (1:02-CV-2197) **(28 U.S.C. &2403(a)).**

APPENDIX F – THIS BILLING STATEMENT CONFIRMS THAT THE PETITIONER HAD A MEDICAL EMERGENCY WITH HIS ARM AND ELBOW ON OCTOBER 06, 2001 WHILE STILL EMPLOYED WITH STATE OF GEORGIA DOD WITH 300 DAYS FILING STATUTORY ENTITLEMENT

180009-02 DATE 2/26/02

DEKALB COUNTY EMS
PO BOX 116176
ATLANTA, GA 30368

ACCOUNT NUMBER 180009-02

AMOUNT PAID $ _____

OUR TOLL FREE PHONE NUMBER IS 1-866-258-3520
PLEASE DIAL NUMBER AS SHOWN

EMMETT WILLIAMS
10 TREE VIEW DRIVE A
APT A

DEKALB COUNTY EMS
PO BOX 116176
ATLANTA, GA 30368

TO INSURE PROPER CREDIT TO YOUR ACCOUNT – PLEASE DETACH AND RETURN THIS STUB WITH YOUR CHECK

PATIENT NAME: EMMETT WILLIAMS PLACE OF SERVICE: DMS
PHONE NUMBER:
REFERRING DR.:

DATE	DESCRIPTION OF SERVICE	CHARGES	PAYMENTS
10 /06 /01	EMS TRANSPORT	300.00	
	MILEAGE CHARGES 8.0@ 6.50	52.00	

****

YOU HAVE MEDICARE, MEDCAID, OR ANY PRIVATE INSURANCE

1. PLEASE CALL US, OR COMPLETE THE INSURANCE FORM ON THE FRONT AND BACK OF THIS STATEMENT. A COPY OF YOUR HEALTH INSURANCE CARD IS HELPFUL.
2. MAIL IT BACK TO US IN THE WHITE ENVELOPE PROVIDED AND WE WILL FILE A CLAIM ON YOUR BEHALF.
3. YOU MAY ALSO SEND YOUR INSURANCE THRU OUR WEBSITE WWW EMSCLAIMS. COM

IF YOU DO NOT HAVE MEDICARE, MEDICAID, OR ANY PRIVATE INSURANCE, PLEASE PAY THE AMOUNT INDICATED. PAYMENT PLANS CAN BE ARRANGED TO ASSIST YOU BY CONTACTING OUR OFFICE AT 1-866-258-3520.

****

PAY THIS AMOUNT 352.00

APPENDIX G – THIS IS THE COMPLAINT THAT THE PETITIONER PLACED IN THE MAIL TO THE G.C.E.O. ON OCTOBER 17, 2001 WHILE STILL EMPLOYED BY THE STATE OF GEORGIA DOD WITH 300 DAYS FILING STATUTORY ENTITLEMENT

GCEO No.: _____
EEOC No.: _____
Fields in this box to be completed Only by GCEO officials

Due to a very serious fall and injury, I have placed this document In the mail on 17 October 2001 and requesting that it be filed immediately upon receipt.

Thanks,
E.L.W.

Employment Discrimination Complaint

Georgia Commission on Equal Opportunity

Please type or print legibly. Please note that attachments will not be accepted as a substitute for completion of this form.

1. Complainant Information

Emmett L. Williams
First Name Middle Initial Last Name

10 Treeview Drive, Unit A
Street Address

Unit A
Apartment, Post Office Box, Route Number, etc.

Lithonia, Georgia 30038 — City, State and ZIP code
7/808-0563 — Home Telephone Number

4/624-6010 — Work Telephone Number
n/a — Cell Telephone Number

2. Respondent Information (Please fill in the contact information for the agency that allegedly discriminated against you.)

The Department of Defense / The DOD Personnel Office
Agency Name

Appendix G

935 East Confederate Avenue
Agency Street Address

Atlanta, Georgia 30316
Agency Street Address

4/624-6000 or 6044
Agency Phone Number

3. Issues

Please check only those issues that reflect adverse employment action (s) taken against you within the last 180 days. Please include the relevant date(s) upon which you first became aware the action(s) had been taken in the space marked "Date of Action(s)." Please use month/date /year format for all dates.

( ) Discharge ( ) Laid Off ( ) Forced Resignation/Retirement

Your job title at the time of the action(s): Senior Officer Facility Police Sergeant DOD

Date of action(s)

( ) Demotion) Involuntary Transfer, Date of Action(s)_____.

Position/Job title from which you were demoted/transferred:_____.

Position/ Job title to which you were demoted/transfer:_____.

( ) Failure to Hire ( ) Failure to Promote

For Failure to hire and/or failure to promote give date(s) you became aware that you had not been selected for position.

Date of Notification of Non-Selection:_____.

The job title of the position for which you applied:_____.

Appendix G

(X) Discipline Action

Type of action (reprimand, suspension, letter of concern, etc.)
Conspiracy to create false charges and documentation that does not comply or conform to any Georgia DOD Regulations.
Date of action(s) 21 December 2000, 03 May 2001, 16 July 2001, 24 July 2001, and 07 August 2001

( ) Denied Reasonable Accommodation
For reasonable accommodation of religion or disability, give date that you requested reasonable accommodation and most recent date your request was denied.

Date of request for reasonable accommodation_____.

Most recent date of denial of request for reasonable accommodation._____.

Brief description of reasonable accommodation requested_____.

(X) Other action(s) Date of action(s): 11 October 2000, 21 December 2000, 03 May 2001, 24 July 2001, 07 August 2001, and 16 August 2001

Briefly describe action(s): The Georgia State Department of Defense present Administration and Personnel Office are racist and prejudice and directly responsible for creating, manipulating, and controlling a Conspiracy Racial Discrimination Assault of Homosexual Overtones and Harassments between 21 December 2000 to 07 August 2001 that has continued to this present day that includes Slander and Defamation of Character and creating false documentation against me that does not comply or conform to any of State of Georgia DOD Policies, Procedures, Guidelines, and Regulations while trying to create a scenario of a Ungodly Homosexual Confrontation on the Job with a terminated Subordinate as a direct means of trying to justify terminating my employment as a black supervisor with an

Appendix G

outstanding and impeccable service record, and I am requesting an immediate transfer to the Federal E.E.O.C. upon receipt of this document.

4. Bases

For the following section, check only those categories that you believe contributed to the actions taken against you. Specify your basis (i.e. Race: Black, Hispanic, Asian, Color: light, medium, dark: Age: give date of birth month/date/year; Sex: Female, male; Disability; type of physical and/or psychiatric impairment; etc.) for each applicable category, where appropriate.

(XX) Race Black.

( ) Religion_____.

( ) Color_____.

( ) Sex Male_____.

( ) Age (40+)_____.

( ) Disability_____.

( ) National Origin_____.

(XX) Unlawful Retaliation that bogus Counseling Statement

VERIFICATION

I swear or affirm that the information provided in this complaint is true and correct to the best of my knowledge, information and brief. I further swear and affirm under penalty of law, that the information contained herein does not constitute a frivolous or unwarranted complaint of unlawful discrimination as described within the Fair Employment Practices Act of 1978 (O.C.G.A. &45-19-44 (6) and &45-19-45(5)).

/s/ Sgt. Emmett L. Williams. 03 Oct 01.

Complainant's Signature Date

To be completed by Notary Public:

Appendix G

COUNTY OF DEKALB .
STATE OF GEORGIA

Personally appeared before me, the undersigned officer duly authorized by law to administer oath , Emmett L. Williams, who, after first being duly sworn, deposes and says that s/he is fully competent to verify and testify as to the matter referred to and inquired about herein and that s/he does hereby verify the foregoing information.

Sworn to and subscribed
Before me this 3rd day of
October , 2001.

/s/ Ursula S. Rogers .
Notary Public
(SEAL) Notary Public, Dekalb County Georgia
My Commission expires September 15, 2005

APPENDIX H – THIS IS WHERE THE PETITIONER HAD HIS FIRST SURGERY DATED OCTOBER 18, 2001 WHILE STILL EMPLOYED BY THE STATE OF GEORGIA DOD WITH 300 DAYS FILING STATUTORY ENTITLEMENT

10 /18/ 2001 STEPHEN M. MCCOLLAM
OPERATIVE NOTE

WILLIAMS, EMMETT

SURGERY: Emmett was taken to surgery on 10 /18/ 01 where open exploration of his elbow revealed a radial head fracture. It was comminuted involving the anterior 55% of the radial head with the forearm in neutral rotation. This was unfixable. This was debrided and the remaining 45% was left behind. The patient has also experienced a coranoid avulsion fracture which was fixed through a separate incision. Thirdly, the patient underwent a ligament repair of the posterolateral quadrant of the elbow as the ligament had been stripped off the posterior aspect of the lateral column. These were fixed with 5 mini mitec suture anchors as well as fixing the lateral ulnar collateral ligament origin which had been avulsed off of the lateral epicondyle. This was a very complex injury requiring the use of Amenda Scherger as my first assistant.

Stephen M. McCollam, M.D.

APPENDIX I – THE PETITIONER'S E.E.O.C. 300 DAYS FILING STATUTORY PERIOD STARTING DATE OF OCTOBER 22, 2001 CONFIRMED BY MR. TODD S. GARRISON DATED OCTOBER 22, 2001

Georgia Commission on Equal Opportunity
INTAKE DISMISSAL FORM

TO:	**FROM:**
Emmett L. Williams 10 Treeview Drive, Unit A Lithonia, Georgia 30038	Georgia Commission on Equal Opportunity 710 International Tower – Peachtree Center 229 Peachtree Street, N.E. Atlanta, Georgia 30303 (404) 656-1736

YOUR COMPLAINT IS DISMISSED FOR THE FOLLOWING REASON:

( ) The facts you allege fail to state a claim under any of the statues enforced by Commission.

( ) Your complaint was not timely filed with the Commission, i.e., you waited more than 180 days after the alleged date(s) of the discrimination to file. Because it was filed outside the time limit prescribed by Georgia law, the Commission cannot investigate your allegation. However, your complaint is being forwarded to the U.S. EEOC who may have jurisdiction over this matter. You may contact EEOC at (404) 562-6800.

( ) You failed to provide requested information , failed or refused to appear or to be available for necessary interviews/conferences; or otherwise refused to cooperate to the extent that the Commission has been unable to resolve your complaint. You have had more than 10 days in which to respond to our final written request.

( ) There has been no response from you regarding your earlier contact with this office. However, if you still wish to file a complaint of discrimination, please contact this office at your earliest possible convenience. Please be advised that Georgia law requires all such complaint to be filed within 180 days from the most recent act of discrimination.

Appendix I

( ) The named employer is not an agency of the State of Georgia, and as such is not subject to any of the statues enforced by the Commission. However, your complaint is being forwarded to the U.S. EEOC who may have jurisdiction over this matter.

( ) Based upon the review of your submitted documents, the Commission is unable to conclude that the information obtained establishes violations of the statues. This does not certify that the Respondents is in compliance with the statues. No finding is made as any other issues that might be construed as having been raised by this inquiry.

(X) Other (briefly state) Per Your request, your complaint has been forwarded to the U.S. Equal Employment Opportunity Commission (EEOC). You may contact EEOC at (404) 562-6800. Please use your EEOC charge number 11BA20017 when referencing your case.

This determination by the Georgia Commission on Equal Opportunity (GCEO) represents the end of the processing of your complaint under the Georgia Fair Employment Practices Act of 1978, as amended (FEPA). If your complaint was dismissed because of your non-response or failure to cooperate, and you still wish to file a complaint of discrimination, please contact this office at your earliest possible convenience. Please be advised that Georgia law requires all such charges to be filed within 180 days from the most recent act of discrimination.

On behalf of the Commission,

/s/ 10 / 22 / 01
Date

/s/ Todd S. Garrison
Todd S. Garrison, Intake
Coordinator

APPENDIX J – THIS IS A DISMISSAL AND NOTICE OF RIGHTS RECEIVED IN THE MAIL ON MAY 18, 2002 FROM THE E.E.O.C. TO THE PETITIONER WHILE STILL EMPLOYED BY THE STATE OF GEORGIA DOD WITH 300 DAYS FILING STATUTORY ENTITLEMENT THAT ENDED ON AUGUST 18, 2002

U.S. EQUAL EMPLOYMENT OPPORTUNITY

DISMISSAL AND NOTICE OF RIGHTS

To: Emmett L. Williams
10 Treeview Drive, Unit A
Lithonia, GA 30038

From: EEOC, Atlanta District Office
100 Alabama Street, SW, Suite 4R30
Atlanta, Georgia 30303

On behalf of Person(s) aggrieved whose identity is
( ) CONFIDENTIAL (29 CFR &1601.7(a)

Charge Number	EEOC Representative	Telephone Number
11BA200017	Vera J. Sims, Deferral Coordinator	(404) 562-6860

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

(X) The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

( ) Your allegation did not involve a disability that is cover by the American with Disabilities Act.

( ) The Respondent employs less than the required number of employees or is not otherwise covered by the statues.

( ) We cannot investigate your charge because it was not filed within the time limit required by law.

( ) Have been given 30 days in which to respond, you failed to provide information, fail to appear or be available for interview/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.

Appendix J

( ) While reasonable efforts were made to locate you, We were not able to do so.

( ) You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.

( ) The EEOC issues the following determination: Based Upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

( ) The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

( ) Other (briefly state) _____.

-NOTICE OF SUIT RIGHTS-
(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and /or the Age Discrimination in Employment Act: This will be the only notice dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS from your receipt of this Notice,** otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may be collectible.**

Appendix J

On Behalf of the Commission

/s/ Bernice Williams-Kimbrough _____ May 15, 2002
BERNICE WILLIAMS-KIMBROUGH **(Date Mailed)**
(Stamped)

Enclosure(s)

cc: State of Georgia Department of Defense
EEOC Form 161 (10/96)

APPENDIX K- THE FRONT PAGE CONFIRMED FILING STAMP OF THE LAWSUIT THAT WAS FILED IN FEDERAL COURT WITHIN THE 300 DAYS FILING STATUTORY ENTITLEMENT THAT WAS FILED ON AUGUST 08, 2002 IN ACCORDANCE WITH THE LAWS OF THE E.E.O.C.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C
AUG -8 2002
LUTHER D. THOMAS, CLERK
By: /s/ DEPUTY CLERK, Int.
STAMPED

Sgt. EMMETT L. WILLIAMS — CIVIL ACTION

Plaintiff,

V. — FILE NO.

THE STATE OF GEORGIA — 1: 02-CV-2197
DEPARTMENT OF DEFENSE
NATIONAL GUARD HEADQUARTERS, and
Cpt. RAYMOND FAUNT, Individually and in
His official and full capacity as The State DOD
Military Support Security Manager and
Plaintiff's Immediate Supervisor over
Civilian Departmental Section of State of
Georgia D.O.D. Facility Police, and
Ms. SANDRA BRUCE, individually and
In her official and full capacity as the State
D.O.D. PERSONNEL OFFICE which she
is the PERSONNEL MANAGER,

Defendant.

COMPLAINT

Come now Sgt. Emmett L. Williams. Plaintiff in this proceeding, and states his Complaint as follow:

APPENDIX L – THIS IS A RECEIPT FOR CASH AND ATTORNEY AND CLIENT AGREEMENT ATTACHED ON SEPTEMBER 09, 2002 WHERE THE ATTORNEY CHARLES D. BEST HAD FROM SEPTEMBER 27, 2002 TO DECEMBER 06, 2002 TO FILE THE COURTHOUSE SERVING PAPERS IN FEDERAL COURT

DOUGLES BEST
& Associates, LLC
Attorneys at Law

124 N. McDonough
Suite 205
Jonesboro, Georgia 30236
Phone: 770-477-5400
Fax: 770-471-1760

3235 Satellite Blvd.
Bldg. 400 – Suite 300
Duluth, Georgia 30096
Phone: 770-291-2100
Fax: 770-234-5466

September 9, 2002

Mr. Emmett L. Williams
10 Treeview Drive, Unit A
Lithonia, Georgia 30038

Re: Emmett L. Williams v. The State of Georgia Department of Defense National Guard Headquarters, et al., United States District Court Northern District, Civil Action No. 1:02-CV-2197

Dear Mr. Williams,

This letter should serve as a receipt for payment of Two Thousand ($2,000) for legal representation. A copy of a handwritten cash receipt is attached as Exhibit A.

We look forward to working with you on this matter. If you have any questions please do not hesitate to call me at (770) 477-5400.

Sincerely,

/s/ Charles D. Best
Charles D. Best, Esq.

Appendix L

RECEIPT

DATE 9/9/02 No. 683424

RECEIVED FROM Emmett Williams $2,000.00

Two Thousand DOLLARS

FOR RENT

FOR Legal Services

ACCOUNT CASH FROM _____ TO _____
PAYMENT CHECK

BAL. DUE MONEY
ORDER BY /s/ Charles D. Best

AGREEMENT TO PERFORM LEGAL SERVICES

This agreement, dated the 9th day of September, 2002 is made between the client, known as: Emmett L. Williams ("Client") whose address is 10 Treeview Drive, Unit A, Lithonia Georgia 30038 and Charles Best ("Attorney") Attorney (s) at Law.

I. **Legal Services to Be Provided:**
Client retains the Attorney to represent Client in a racial discrimination lawsuit against the State of Georgia Dept. of Defense.

II. **Additional Legal Services:**
Client agrees that any other legal services, which may or may not be related to the above matter, including litigating in a court of competent jurisdiction, may only be provided by Attorney under a new agreement to provide such other services.

Appendix L

III. Legal Fees: (Check and initial all that apply)

/s/ CDB (X) _____ Client will pay Attorney a Flat Fee of $2,000.00 and a Contingent Fee (a percentage of the total amount recovered) of 33% out of Clients gross recovery for all services under this agreement Attorney will attempt to collect and will be entitled to all attorneys' fees collected in this case.

( )_____ Client will be billed at an hourly fee of $250.00 for our legal service rendered pursuant to this agreement.

VI. Costs and expenses: Client shall be responsible for all expense including but not limited to Investigator Reports, Expert Fees, Court costs, deposition costs, postage and sheriff's fees. The Attorney will require Client to retain expert (s) directly. In that event, Client will be solely responsible to pay the expert (s). If Client is unable to pay the costs and expenses incurred on his/her behalf, these costs may, at the attorney's discretion be funded by the Attorney and Client will refund the attorney for these costs without regards to his recovery, if any, in this action.

V. TERMINATION OF LEGAL WORK: The Attorney may withdraw at any time and will withdraw from representing client at Client's request that Attorney terminate the legal work. If the legal work is terminated at the Client's request, then Client agrees that Attorney has earned his fee of $2,000.00 for all hours worked on the case through the date of termination and Client's obligation to pay Attorney shall be deemed matured. Moreover, Client must recognize that Attorney has the right to an Attorney's lien on any recovery in the matter, even after the termination of his representation of Client.

Appendix L

VI. NO GURANTEE: The Attorney agrees to provide conscientious, competent and diligent services and at all times will zealously seek to achieve Client's just and reasonable objectives. However, the Attorney cannot and does warrant, guarantee, or predict the outcome of legal proceedings for any case.

VII. SETTLEMENT: I understand no settlement of Client's claims will be made without Client's approval. Attorney is obligated to present Client with any and all settlement offers made by opposing counsel during the course of the Legal Work. Client agrees to fully consider any such offer of settlement. However, Attorney reserves the right to withdraw from further representation if in the Attorney's sole opinion the offer is determined to be reasonable and Client refuses to accept the settlement offer made.

VIII. ASSOCIATE COUNSEL: I understand and agree that Attorney may at his option and discretion, use other counsel or attorneys of his choice, to assist, work on, or handle any or all matters that may arise. The parties agree that the attorney shall be permitted to divide any fees collected in accordance with the Georgia Rule of Professional Conduct 1.5 (e) (2), the client agrees that attorney may divide the fee based solely on his judgment, and the client does not object to the participation of the other lawyer(s), if any, or to the fee splitting with other lawyers, if any, any division of a fee will not reduce the amount to be collected by the client. The use of such other attorneys shall be at no additional coat to client.

Appendix L

Client and Attorney have read and agree to this Agreement. The Attorney has Answered all of Client's questions and fully explained this Agreement to Clients full Satisfaction. Client hereby acknowledges receipt of an executed original or copy of this Agreement.

ATTORNEYS:	CLIENT (S):
/s/ Charles D. Best CHARLES D. BEST ATTORNEY AT LAW	/s/ Emmett L. Williams EMMETT L. WILLIAMS

APPENDIX M – THE DOCTOR'S LETTER FROM KAISER PERMANENTE DATED SEPTEMBER 20, 2002 WHILE THE PETITIONER WAS STILL EMPLOYED BY THE STATE OF GEORGIA DOD/ ON LEAVE IN ACCORDANCE WITH DCS-OPS-MS (190) 1995 REGULATED JOB DESCRIPTION AND THE PREVAILING 1999 P.M.P. EVALUATION

KAISER PERMANENTE

September 20, 2002

State of Georgia
Department of Defense National
Guard Headquarters
935 East Confederate Avenue
Atlanta, Georgia 30316

Attention: Personnel Office

Re: Williams, Emmett
HR # 0460647

To Whom it May Concern:

Mr. Emmett Williams is being treated for hypertension. He has an on-going problem with his right elbow following a fall. He was status post elbow surgery on 10/18/01, but unfortunately this did not correct the deformity. He has lost function of his elbow and is unable to fire his revolver. I recommend that he stay on light duty until completion of his treatment with his orthopedist. He should be allowed to take time off work because of his disability.
Sincerely

/s/ E.L.W.

/s/ Toan Nguyen
TOAN NGUYEN, MD
Lead Physician HCT A
Department of Internal Medicine
Panola Medical Office
404 365-0966

/s/ GAIL HILL 9/30/02
Notary Public
Dekalb County Georgia
My Commission Expires
Aug. 27, 2005

APPENDIX N – WHILE UNDER THE FEDERAL JUDICIARY PROTECTION POWERS OF THE FEDERAL COURTS, THIS IS A SEPARATION NOTICE WHERE THE RESPONDENTS' TERMINATED THE PETITIONER'S EMPLOYMENT FOR FILING HIS LAWSUIT IN FEDERAL COURT ON AUGUST 08, 2002 WITHIN THE LEGAL FILING LIMITS OF THE E.E.O.C. 300 DAYS AND 90 DAYS STATUES THAT IS ILLEGAL, UNLAWFUL, AND UNCONSTITUTIONAL WHERE THE RESPONDENTS AND THE ATTORNEY CHARLES D. BEST FORMED AN UNDISCLOSED DUAL AGENCY RELATIONSHIP THEN THE RESPONDENTS (1) DEAD DOCKETING THIS FEDERAL CASE, (2) TERMINATING THE PETITIONER'S EMPLOYMENT WRONGFULLY AND UNJUSTIFIABLY, (3) PROSECUTING THE PETITIONER WRONGFULLY AND UNJUSTIFIABLY IN A KANGAROO COURT WHERE THESE VIOLATIONS HAVE BROKEN STATE AND FEDERAL LAWS

STATE OF GEORGIA
DEPARTMENT OF LABOR

SEPARATION NOTICE

1. Employee's EMMETT WILLIAMS 2. S.S. No. 256-88-5462

a. State any other name (s) under which employee worked _____

3. Period of Last Employment from Feb. 25, 1987 To Sept. 27, 2002

4. REASON FOR SEPARATION:

   a. LACK OF WORK___

   b. If for other than lack of work, state fully and clearly the circumstances of the separation_____

_____

Termination – Violation of agency rules.

_____

_____

5. Employee received: __Wages in Lieu of Notice __Separation Pay __ Vacation Pay

APPENDIX N

In the amount of $_____ for period from _____ To _____

6. Did this employee earn at least $2,240.00 in your employ?

Yes__ No__ if NO, how much? $_____

Employer's name State of Georgia
Department of Defense / Ga. D.O.L. Account Number 110081-07

C/O R.E. Harrington
Address P.O. Box 724086 / (Number shown on Employer's Quarterly Tax and Wage Report Form DOL-4)

City Atlanta State GA 31139-1086/ I CERIFY that the above worker has been separated from work and the information furnished hereto is true and correct. This report has been handed to or mailed the worker.

REH's
Telephone No. 7/379-9560
7/396-9027-Fax / MARILYN RUSS
Signature of official. Employee of the Employer or authorized agent for the Employer

NOTICE TO EMPLOYER
At the time of separation, you are required by the Employment Security Law, OCGA Section 34-8-190(c), to provide the employee with this document, properly executed, giving the reasons for separation. If you / subsequently receive a request/ for the same information on a DOL-403FF, you may attach a copy of this form (DOL-800) as part of your response.

PERSONNEL TECHNICIAN
Title of Person Signing

/ October 1, 2002
Date Completed and Released to Employee

NOTICE TO EMPLOYEE

OCGA SECTION 34-8-190 (c) OF THE EMPLOYMENT SECURITY LAW REQUIRES THAT YOU TAKE THIS NOTICE TO THE GEORGIA DEPARTMENT OF LABOR FIELD SERVICES OFFICE IF YOU FILE A CLAIM FOR UNEMPLOYMENT INSURANCE BENEFITS.

APPENDIX O– THIS IS THE PETITIONER'S STATEMENT REGARDING THE NON-ESTABLISHED WORKING RELATIONSHIP THAT NEVER EXISTED BETWEEN THE PETITIONER AND MARK WILLIAMS FROM MAY 2002 TO SEPTEMBER 2002 IN ACCORDANCE WITH THE STATE OF GEORGIA DOD POLICIES, PROCEDURES, GUIDELINES, AND REGULATIONS WHERE THE RESPONDENTS VIOLATED AND BROKEN THE STATE AND FEDERAL RETALIATION AND DISCRIMINATION LAWS OF THE LAND

PETITIONER'S STATEMENT REGARDING MARK WILLIAMS

The Petitioner would like to extinguish any false allegations as to Mark Williams' Role of being the Petitioner's Supervisor from this time period of **May 2002 through September 2002.** **Mark Williams is a civilian worker that works in the Facilities Management Office over the Clerks** that is not in the National Guard or an active Guard Member. The Petitioner's Departmental Section as the State Facility Police is funded through the National Guard Bureau as a Federal Funded Program with the Georgia National Guard as being the overall Appointing Authority through the Military Support Office under the Chief of Staff.

In the entire history of the DOD State Facility Police there have never been a civilian office clerk Supervisor over the DOD Facility Police that do not hold any ranks within the Departmental Section of the DOD State Facility Police or in the Georgia National Guard. As a civilian supervisor like the Petitioner, you must hold rank within the Departmental Section as Sergeant, Lieutenant, or Captain or be a member of the Georgia National Guard.

Mark Williams was not holding any positions within the ranks of the State Facility Police as a Sergeant, Lieutenant, or Captain, and Mark Williams was not actively in the Georgia National Guard.

APPENDIX O

The Petitioner requested a letter of appointment and assignment from the State of Georgia National Guard Administration's Appointing Authority or Personnel Office as to whom was Mark Williams, as to what was his assignment over the Petitioner, as to what was his overall assignment over the Petitioner's Departmental Section, and what was his position or job title over the Facility Police Sergeant. The Petitioner has never received a response back from that inquiry.

Mark Williams worked in the Facilities Management Office all day during the day during normal business hours, and the Petitioner worked during the evening and early morning hours at night after normal business hour. Mark Williams has never observed the Petitioner's working Performance for one single moment during any 8 hours shift after normal business hours, and out of the 4 times that the Petitioner has actually went to Mark Williams' office for meetings that it would be hard to put together a total of 2 full hours that the Petitioner and Mark Williams were together during or within these 5 months from May 2002 to September 2002.

According to the State of Georgia DOD Policies, Procedures, Guidelines, and Regulations, Mark Williams has never established a working relationship with the Petitioner where a required upon properly signed prerequisite Performance Management Plan (P.M.P.) was put in place.

A required upon properly signed Performance Management Plan (P.M.P.) and the yearly Evaluation are one in the same. It is just that the Performance Management Plan (P.M.P.) comes in the beginning of the Performance Management Period for a signing agreement of all parties of Job Expectations, and the Evaluation comes at the end of the that Performance Management Period to be rated on those expectations.

It is absolutely impossible to make up an Evaluation on any State of Georgia DOD Employee without establishing an agreed upon properly signed prerequisite Performance

APPENDIX O

Management Plan (P.M.P.) first at the very beginning of the Performance Management Period where in the case with Mark Williams, he would have established a Performance Management Plan (P.M.P.) within the Petitioner's Personnel Filed in the month of May 2002 in accordance with the State of Georgia DOD Policies, Procedures, Guidelines, and Regulations that was never done in the Petitioner's case.

This is the reason why that it is impossible to terminate any State of Georgia DOD Employee under these conditions surrounding the Petitioner without a required upon properly signed prerequisite Performance Management Plan (P.M.P.).

It is very easy to see how the Attorney Charles D. Best and the Respondents under an illegal, unlawful, and unconstitutional undisclosed Dual Agency Relationship violated, discriminated, perjured, and broken all of the Georgia State Laws of Undisclosed Dual Agency and the Federal Retaliation and Discrimination Laws of the E.E.O.C. and the United States Constitution under Title I, Title V, and Title VII when it is impossible for the Respondents to come up with a P.M.P. that they never established in the first place where it is impossible for the Respondents to have terminated the Petitioner's Employment under these conditions surrounding the Petitioner's Case.

The Attorney Charles D. Best and all of the Respondents are guilty of Racial Retaliation, Racial Discrimination, Perjury, Obstructing Federal Justice, Wrongful Termination, Wrongful Prosecution, Defamation of Character, Slander and "et al.".

APPENDIX P – THE FRONT PAGE OF THE STATE OF GEORGIA DOD PERSONNEL POLICIES AND PROCEDURES WITH AN EFFECTIVE DATE OF MAY 01, 1998 WITH PROVISIONS OF 1A, 1B, AND 1C

GEORGIA DEPARTMENT OF DEFENSE

PERSONNEL POLICIES AND PROCEDURES

SUBJECT: PROGRESSIVE DISCIPLINE **Page 1 of 4**

APPROVED BY: /s/ William P. Bland Jr **EFFECTIVE: May 1, 1998**
WILLIAM P. BLAND, JR.
Major General, GA ANG
The Adjutant General

PURPOSE: To ensure that employees are provided a proper direction in achieving optimum performance, and to promote sound management practices in directing the work of the Georgia Department of Defense and its employees.

POLICY: The Georgia Department of Defense requires that all managers and supervisors take prompt, progressive, and appropriate steps to correct unacceptable job behavior or performance deficits. These measures are intended to inform the employee of behaviors that are unacceptable, and to assist the employee in taking responsibility for prompt corrective action and improved performance.

APPLICATION: All state employees of the Georgia Department of Defense.

PROVISIONS:

1. **ORIENTATION AND COUNSELING.**

   A. At the beginning of the employment period, the supervisor will give the employee a copy of his/her **job description and Performance Management Plan (P.M.P.).**

   B. The supervisor will discuss with the employee the expected work standards and policies that are applicable to the employee's position, and the

Appendix P

interest of the division in the employee's services. The explanation given to the employee by the supervisor should be clear and precise to ensure that employee understands **what is expected.**

C. Although there may be duties required of the employee that are not included in his/her PMP, such necessary and job-related duties may be assigned to the employee, and the employee will be expected to perform them. If such duties are of long duration or become a significant part of the job, it is the supervisor's responsibility to **amend the PMP accordingly**.

APPENDIX Q – THE FIRST TWO AND A HALF (2 1/2) PAGES OF THE OF THE DCS-OPS-MS (190) REGULATED JOB DESCRIPTION DATED 29 JUNE 1995 THAT WAS NEVER AMENDED, CHANGED, DELETED, OR ALTERED THAT AUTHORIZED THE PETITIONER WITH THE AUTHORITY TO SCHEDULE LEAVE FOR HIMSELF AND HIS EMPLOYEES

(JOB DESCRIPTION)

DCS-OPS-MS (190) **29 June 1995**

MEMORANDUM FOR
Sgt. E. L. Williams, Facility Police

SUBJECT: Response to New Schedule Inquiry

1. This memorandum is in response to your memorandum concerning a new duty hour schedule. I have reviewed your memorandum and have discussed this situation extensively with you. The following provides you direct guidance for administering the DOD facility police schedule at the Atlanta DOD Reservation. This schedule will be accomplished using scheduled duty shifts not to exceed 12 hours. The Facility Police Sergeant is responsible to schedule duty shifts for his employees. He has total authority to schedule employees to fill the required shifts as specified by the Military Support Office.

2. **GENERAL.**

   a. **Hours required for security: 136 hrs. on a normal week.**

      1. **Total number of permanent employees: 3 (to include 1 Sergeant)**
      2. **Total number of casual employees available for Sat. – Man./ :3.**

Appendix Q

DCS-OPS-MS (190)

b. Other consideration:

1. Reserve Drill one weekend a month for one permanent employee.
2. Time for the Police Sergeant to supervise and not work all shifts.
3. Time for employees to take leave and have at least two days off a week.
4. Keep overtime to an absolute minimum.

3. FACTS.

a. There are 8 – 8hrs shifts required between Tuesday beginning at 1600 and Saturday at 0800. 64 hours total.

b. There are 72 hours required between 0800 on Saturday and 0800 on Tuesdays. This can be accomplished using 8 or 12 hour shifts. Casual employee use should be maximized.

c. A minimum of 16 hours must be worked by casual employees to prevent overtime. The desire is to allow use of the casual employees on weekends to provide the Sergeant supervisory time and to allow flexibility for permanent employee leave and time off. **Example**: If casual employees work 3-12 hour shifts over the weekend, 20 additional hours are free to divide for supervisory time or leave time. If casual employees work 4-12 hour shifts on the weekend, 32 hours are available to divide for leave time and supervisory time.

4. OBSERVATION. During the last two years I have listened to many concerns and problems areas. I have also received various complaints over the way

Appendix Q

DCS-OPS-MS (190)

past operations have been conducted. The following observations and comments are provided:

a. The Sergeant is not allowed supervisory time on the clock. (The Sergeant has to pull shifts.)
b. The Sergeant has to wear his own personal pager.
c. The Sergeant is not given authority to conduct his affairs **without** interference from the administration.
d. The Sergeant has to be concerned with keeping the budget balanced.
e. The old schedule did not work and it was similar to the one proposed by management.
f. The Sergeant receives no "perks" as a supervisor.

5. OBSERVATION RESPONSE.

a. **The Sergeant** is provided guidelines for scheduling security shifts. **He has the authority and responsibility** to ensure that the shifts are adequately covered. **This also includes scheduling leave for himself and employees**. This also provides **authority and options to schedule supervisory time** not to exceed 16 hours per week. This does not preclude that situation such as 4 day holiday weekend will need additional staffing. I cannot reiterate enough that casual employees should be maximized in situations where additional staffing is required. Additional staffing is not, as a rule, an opportunity for permanent employees to gain Compensation time. If casual employees are managed with care,

Appendix Q

DCS-OPS-MS (190)

permanent employees can enjoy scheduled leave time without other permanent employees having to always work excessive hours or overtime.

b. The Sergeant is no longer required to rely on his personal pager for facility police business. A state of the art, statewide pager, was provided to the Sergeant recently. The Sergeant has the opportunity to stay in contact with his subordinates and supervisors at any given time provided the calls are returned when paged and the pager is turned on. This should alleviate any communication problem that may occur if the Sergeant leaves the local area. As a Supervisor, the Sergeant must telephonically handle pagers on occasion when not on the clock. The Sergeant must also ensure that his subordinates are properly trained to page him and to handle possible emergency situations.

c. The Sergeant has the authority to handle situations and should do so to the Maximum Extent Practical and within the authority granted to him. The administration has no desire to interfere with the supervisory duties of the Facility Police Sergeant. The Sergeant, as has always been the case, is expected to run the day to day Department Operations. The administration expects compliance with guidelines and parameters for the Department. It is the RESPONSIBILITY of the Sergeant to ensure that administration Policies and Directives are Implemented and Enforced.

APPENDIX R –THE PREVAILING P.M.P. UNTIL ONE IS ESTABLISHED DATED SEPTEMBER 30, 1999

State of Georgia
PERFORMANCE MANAGEMENT FORM
(PMF)

Organizational Unit	Print Date MS 10-60 (8/95)
Organization Number	

Section 1: Employee Information

Last, First Name MI – S.S.Number – Position No. - Performance Period			
Williams, Emmett L.	- 256-88-5462 -	4430005	- 7/1/99 to 6/30/2000
Class/Job Title	- Class/Job No. -	S.P. No.	- Supv.T.C/.J.No.
Fac. Pol. Sgt.	- 33130	- AGR/Maj	- Assist. Dir. of Fac.

Section 2: Performance Plan Signature

Performance Plan Signature		**Performance Plan Sign.-Supv./ MG**	
I understand my job and Individual responsibilities, the Performance expectations, and The terms and conditions under Which I am expected to work Comments:		I have discussed the job and individual responsibilities, performance expectations, and terms and conditions with the employee. Comments:	
/s/ 30 Sept. 99 Date	/s/ Sgt. E.L. Wms Employee Signature	/s/22 Sep99 Date	/s/Randy Postell Eval. Supv. Sign
I understand the changes made to My responsibilities and Performance expectation or terms And conditions.		I have reviewed the Performance Plan and fine the requirement appropriate Comments:	
IF CHANGES ARE MADE? Date	Employee Signature	/s/ 22 Sep 99 Date	/s/ TLG Review Manager

( ) Ann Perf. Eval. ( ) Perman, Statue Eval ( ) Personnel File (X) Emp. Copy
( ) Supv. Copy

Appendix R

This is the Petitioner's Actual Performance and Actual Performance Rating list as an Evaluation of the already established required upon properly signed prerequisite Performance Management Plan (P.M.P.) as the prevailing P.M.P. and Evaluation until a new P.M.P has been established.

(a.) Sgt Williams responds as necessary. He is diligent in efforts to keep me informed. During the rating period he assisted other law enforcement officers with investigation being conducted by another agency. **The Expectations Performance Rating was MET.**

(b.) Sgt. Williams has made great improvement in controlling vehicle access to this reservation during the hours the security force is present. He is operating new sophisticated monitoring equipment to record activity on the complex. He works diligently to control the speed on the reservation. Gates and doors are locked and unlocked as required. **The Expectations Performance Rating was MET.**

(c.) Sgt. Williams checks the main gate as required and is very diligent in checking behind the building owners for unsecured doors and windows. **The Expectations Performance Rating was EXCEEDED.**

(d.) Sgt. Williams always ensure that I am informed as incidents occur. Written reports were not required during this rating period since no significant activities occurred. **The Expectations Performance Rating was EXCEEDED.**

Appendix R

(e.) Sgt. Williams completes a schedule for subordinates to maintain coverage of the complex. I have personal knowledge of his attempts to assist subordinates with personal situations which indicates that he does attempt to make himself available. Time sheets are completed for his people. However, timeliness in getting them to me could use some improvement. Sgt. Williams has the delegated authority to hire and fire those on his subordinate staff. **The Expectations Performance Rating was MET.**

(f.) Prepared work plans for all employees. Keeps me informed of ongoing situation with subordinate employees. Stands up for his people. Sgt. Williams does an exceptional job with extremely limited resources in personnel, equipment, and transportation. **The Expectations Performance Rating was EXCEEDED.**

(g.) Sgt. Williams works hard to be a team player. He is considerate of others and accepts responsibilities. He recognizes his people for jobs well done and works to resolve conflicts as they arise. **The Expectations Performance Rating was MET.**

(h.) Sgt. Williams is respectful to his customers, offers options, responds to customers promptly, and his a genuine concern for the safety and protection of the employees of the Confederate avenue reservation. **The Expectations Performance Rating was MET.**

(i.) Sgt. Williams has a can do attitude in spite of the extremely limited resources available to him. Williams is resourceful and accepts feedback from supervision. **The Expectations Performance Rating was EXCEEDED.**

Appendix R

(j.) Works when scheduled. **The Expectation Performance Rating was MET.**

(k.) Requests leave appropriately IAW established policies. **The Expectations Performance Rating was MET.**

(l.) Williams takes pride in appearance and is working diligently to get all security personnel in matching uniforms despite constraints. **The Expectations Performance Rating was MET.**

(m.) IAW established policies and regulations. **The Expectations Performance Rating was MET.**

(n.) Observe all stated rules and policies. **The Expectations Performance Rating was MET.**

This rating reflects my evaluation of the employee's performance. I have discussed this evaluation with the employee. Sgt. Williams' heart appears to be in the right place with a genuine emphasis on the safety and welfare of the employees of the Confederate Avenue Complex being top priority. Limited resources in the area of uniforms, equipment, manpower, and transportation make his job very difficult. The reservation needs security around the clock. With additional resources, I'm confident Sgt. Williams and his team of people could do an outstanding job of securing the installation. In fairness to Sgt. Williams, he should be supervised and managed by someone with knowledge in the area of physical security and law enforcement.

/s/ 18 Jul 00
Date

/s/ Randy Postell
Evaluating Supervisor
Signature

APPENDIX S – THIS IS A RECEIPT FOR CASH ON OCTOBER 05, 2002 WHERE AFTER SERVING THE RESPONDENTS, THE ATTORNEY CHARLES D. BEST HAD FROM SEPTEMBER 27, 2002 TO DECEMBER 06, 2002 TO FILE THE COURTHOUSE SERVING PAPERS IN FEDERAL COURT

DOUGLES BEST
& Associates, LLC
Attorneys at Law

124 N. McDonough
Suite 205
Jonesboro, Georgia 30236
Phone: 770-477-5400
Fax: 770-471-1760

3235 Satellite Blvd.
Bldg. 400 – Suite 300
Duluth, Georgia 30096
Phone: 770-291-2100
Fax: 770-234-5466

October 5, 2002

Mr. Emmett L. Williams
10 Treeview Drive, Unit A
Lithonia, Georgia 30038

Re: Emmett L. Williams v. The State of Georgia Department of Defense National Guard Headquarters, et al., United States District Court Northern District, Civil Action No. 1:02-CV-2197

Dear Mr. Williams,

This letter should serve as a receipt for payment of nine hundred ($900.00) for legal representation. A copy of a handwritten cash receipt is attached as Exhibit A.

We look forward to working with you on this matter. If you have any questions please do not hesitate to call me at (770) 477-5400.

Sincerely,

/s/ Charles D. Best
Charles D. Best, Esq.

Appendix S

RECEIPT

DATE 10 / 5 / 02 No. 613967

RECEIVED FROM Emmett Williams $900.00

Nine Hundred DOLLARS

FOR RENT

FOR Legal Services

ACCOUNT CASH FROM _____ TO _____
PAYMENT CHECK

BAL. DUE MONEY
ORDER BY /s/ Charles D. Best

APPENDIX T – UNDER AN ILLEGAL, UNLAWFUL, AND UNCONSTITUTIONAL UNDISCLOSED DUAL AGENCY RELATIONSHIP, THE ATTORNEY CHARLES D. BEST AND THE RESPONDENTS REFUSED TO DISCLOSE TO THE COURTS BEFORE, ON, AND AFTER JANUARY 13, 2003 KMOWLEDGEABLE AND KNOWN MATERIAL FACTS WHERE THE ATTORNEY CHARLES D. BEST AND THE RESPONDENTS DEAD DOCKETED THIS FEDERAL CASE ON SEPTEMBER 27, 2002 WHERE THE RESPONDENTS WERE SERVED ON SEPTEMBER 27, 2002, BUT THE ATTORNEY CHARLES D. BEST REFUSED TO FILE THE SERVING PAPERS IN FEDERAL COURT WHERE THE ATTORNEY BEST AND THE RESPONDENTS ARE RESPONSIBLE FOR COMMITTED AN ACT OF PERJURY BY NOT DISCLOSING A KNOWLEDGEABLE AND KNOWN MATERIAL FACT TO THE COURT AS TO ELUDING AND OBSTRUCTING FEDERAL JUSTICE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SGT. EMMETT L. WILLIAMS,
Plaintiff,
v.
STATE OF GEORGIA, DEPT OF DEFENSE NATIONAL GUARD HEADQUARTER, et al.,
Defendants.

CIVIL ACTION FILE
No. 1:02-CV-2197

SHOW CAUSE ORDER

Plaintiff, Sgt. Emmett L. Williams, filed this action on June 17, 2002 (This date reflected on this order is wrong because the Petitioner actual filing date was August 08, 2002 within the legal statues limits of the E.E.O.C.) Federal Rule of Civil Procedures 4 (m) requires service of the summons and complaint upon the defendant to be made within 120 days after

Appendix T

the filing of the complaint. More than 120 days have elapsed since the filing of the complaint, and no proof of service has bee filed with the court. Accordingly, plaintiff is ordered to show cause in writing, within 10 days of the date of this order, as to why this action should not be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 4 (m) and Local Rule 41.3, N.D.Ga.

The Clerk of the Court is Directed to resubmit this matter to the undersigned Magistrate Judge at the exoiration of theabove-allotted time period.

IT IS SO ORDERED, THIS 13TH day of January, 2003

/s/ Gerrilyn G. Brill
GERRILYN G. BRILL
UNITED STATES MAGISTRATE JUDGE

APPENDI[illegible] WHILE UNDER THE FEDERAL JUDICIAR[illegible]ROTECTION POWERS OF THE FEDERAL COURTS AND WITHOUT THE PETITIONER'S SIGNATURE CONSENT, THE ATTORNEY CHARLES D. BEST AND THE RESPONDENTS UNDER A ILLEGAL, UNLAWFUL, AND UNCONSTITUTIONAL UNDISCLOSED DUAL AGENCY RELATIONSHIP RETALIATED AGAINST THE PETITIONER BY DISMISSING THIS FEDERALLY FILED CASE WHERE THE RESPONDENTS WERE SERVED PROPERLY ON SEPTEMBER 27, 2002 BY THE ATTORNEY CHARLES D. BEST WHERE THE PETITIONER HAS RESCINDED ALL TRANSACTIONS MADE BY THE ATTORNEY CHARLES D. BEST AFTER SEPTEMBER 27, 2002 INCLUDING THIS UNCONSTITUTIONAL FEBRUARY 12, 2003 DISMISSAL AS BEING NULL AND VOID

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

Emmett L. Williams
Plaintiff,

v.

The State of Georgia Department
Of Defense National Guard
Headquarters, and
RAYMOND FAUNT, individually
And In his official and full
Capacity as the State D.O.D.
Military Support Security Manager
And the Plaintiff's Immediate
Supervisor over a civilian
Departmental Section of the State
Of Georgia D.O.D. Facility Police,
And Ms. Sandra Bruce,
Individually and in her official
Capacity as the State D.O.D.
PERSONANEL OFFICE which she
Is the PERSONAL MANAGER
Defendants

CIVIL ACTION NO.
1:02-cv-2197-RLV

Appendix U

DISMISSAL WITHOUT PERJUDICE

Plaintiff, Sgt. Emmett L. Williams, hereby dismisses without prejudice the claims asserted against all Defendants in the Complaint that was filed in this litigation proceeding with each party to bear its own costs.

Dated: February /s/ 12th, 2003.

Respectfully Submited,

/s/ Charles D. Best
CHARLES D. BEST
GEORGIA BAR NO. 055783
ATTORNEY FOR PLAINTIFF

124 McDONOUGH STREET,
SUITE 205
JONESBORO, GA 30236
(770) 477-5400
(770) 234-5466 Fax

(Petitioner's Footnote Comment and Argument: The Attorney Charles D. Best and the Respondents was engaged in an illegal, unlawful, and unconstitutional undisclosed Dual Agency Relationship when this document was created and filed while this Federally Filed Lawsuit Case (1:02-CV-2197) was under the Federal Judiciary Protection Powers of the Federal Court where the Petitioner never gave his signature consent where in accordance to the Georgia State Law of Undisclosed Dual Agency, the Petitioner has the RIGHT and AUTHORITY to RESCIND this document where the Petitioner is making it very clear to the Respondents, the Magistrate Judge, the District Judge, and the Appeal Judges that the Petitioner has RESCINDED this document and declared this document as being NULL and VOID where the Petitioner's August 08, 2002 Federally Filed Lawsuit Case (1:02-CV-2197) is active, legal, valid, and enforceable under State, Federal, and Constitutional Law.

APPENDIX V – THIS IS A RECEIPT FOR CASH ON MARCH 17, 2003 WHERE AFTER SERVING THE RESPONDENTS, THE ATTORNEY CHARLES D. BEST HAD FROM SEPTEMBER 27, 2002 TO DECEMBER 06, 2002 TO FILE THE COURTHOUSE SERVING PAPERS IN FEDERAL COURT WHERE THE ATTORNEY BEST CONTINUED TO DECEIVE THE PETITIONER FOR A FEE.

DOUGLES BEST
& Associates, LLC
Attorneys at Law

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Jonesboro, Georgia 30236
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3235 Satellite Blvd.
Bldg. 400 – Suite 300
Duluth, Georgia 30096
Phone: 770-291-2100
Fax: 770-234-5466

March 17, 2003

Mr. Emmett L. Williams
10 Treeview Drive, Unit A
Lithonia, Georgia 30038

Re: Emmett L. Williams v. The State of Georgia Department of Defense National Guard Headquarters, et al., United States District Court Northern District, Civil Action No. 1:02-CV-2197

Dear Mr. Williams,

This letter should serve as a receipt for payment of Nine Hundred and Fifty ($950.00) for legal representation. A copy of a handwritten cash receipt is attached as Exhibit A.

We look forward to working with you on this matter. If you have any questions please do not hesitate to call me at (770) 477-5400.

Sincerely,

/s/ Charles D. Best
Charles D. Best, Esq.

Appendix V

RECEIPT

DATE 3 /17 / 03 No. 557832

RECEIVED FROM Emmett Williams $950.00

Nine Hundred Fifty - DOLLARS

FOR RENT

FOR Legal Services

ACCOUNT CASH FROM _____ TO _____
PAYMENT CHECK

BAL. DUE MONEY
ORDER BY /s/ Charles D. Best

APPENDIX W – STATE BAR OF GEORGIA LETTER THAT CONFIRMS THAT THE ATTORNEY CHARLES D. BEST IS SHADY AND UNSCRUPULOUS AS UNDISCLOSED DUAL AGENCY DATED JULY 20, 2005

STATE BAR OF GEORGIA

OFFICE OF THE GENERAL COUNSEL

WILLAM P. SMITH, III
GENERAL COUNSEL
Bar Counsel
ROBERT E. McCORMACK
Deputy General Counsel
JOHN J. SHIPTENKO
Assistant General Counsel

Disciplinary Counsel
PAULA J. FREDERICK
Deputy General Counsel
JENNY K. MITTELMAN
JONATHAN HEWETT
Sr. Assistant General Counsel
GENE CHAPMAN
ELIZABETH M. WILLIAMSON
KELLYN O. McGEE
Assistant General Counsel
REBRCCA A HALL
Grievance Counsel

July 20, 2005

Sgt. Emmett L. Williams
1266 Bedford Avenue
Columbus, Georgia 31903

Re: **In the Matter of Charles Douglas Best**
State Disciplinary Board Docket No. 4914

Dear Sgt. Williams:

The Investigative Panel of the State Disciplinary Board has concluded its investigation into the grievance that you filed against Charles Best. Mr. Best never filed any response to your complaint and at its meeting on July 8, 2005, the Panel issued a Notice of Discipline recommending that the Supreme Court disbar him.

The Panel had seven other cases before it regarding Mr. Best. Apparently he has abandoned his practice We have

Appendix W

received word that he is a resident in a facility for people who suffer from alcoholism or drug abuse, but have not been able to contact him there.

It is likely that the Court will enter an order disbarring Mr. Best if he does not file any response to the Notices of Discipline. I will be in touch with you when the Supreme Court enters an order in this matter; in the meantime, feel free to contact me or Deborah Grant, my assistant, if you have questions.

Sincerely,

/s/ Paula Frederick
Paula J Frederick
Deputy General Counsel

PJF/dmg

104 Marietta Street, N.W.- Suite 100 - Atlanta, Georgia 30303
(404) 527-8720 - (800) 334-6865 - (404) 527-8744 facsimile

APPENDIX X – STATE BAR OF GEORGIA LETTER THAT CONFIRMS THAT THE ATTORNEY CHARLES D. BEST IS SHADY AND UNSCRUPULOUS AS TO PERFORMING A UNDISCLOSED DUAL AGENCY DATED DECEMBER 01, 2005

STATE BAR OF GEORGIA

OFFICE OF THE GE .ERAL COUNSEL

WILLAM P. SMITH, III
GENERAL COUNSEL
Bar Counsel
ROBERT E. McCORMACK
Deputy General Counsel
JOHN J. SHIPTENKO
Assistant General Counsel

Disciplinary Counsel
PAULA J. FREDERICK
Deputy General Counsel
JENNY K. MITTELMAN
JONATHAN HEWETT
Sr. Assistant General Counsel
GENE CHAPMAN
KELLYN O. McGEE
REBECCA A. HALL
Assistant General Counsel
CARMEN ROJAS RAFTER
Grievance Counsel

December 1, 2005

Sgt. Emmett L. Williams
1266 Bedford Avenue
Columbus, Georgia 31903

Re: **In the Matter of Charles Douglas Best**
State Disciplinary Board Docket No. 4914

Dear Sgt. Williams:

On November 21, 2005, the Supreme Court of Georgia entered an Order disbarring Charles Douglas Best from the practice of law in Georgia. I have enclosed a copy of the Order for your records.

I spoke to Mr. Best last month. He is Presently a patient at Bethel Christian Homes, where he is being treated for an undisclosed problem. I have not been able to get information from Mr. Best regarding your case or the whereabouts of your client file.

Appendix X

With entry of the Court's Order, our investigation of Mr. Best is over. However, you may wish to file a claim with the State Bar of Georgia's Client' Security Fund, which is sometimes able to reimburse money that former clients have lost as the result of a lawyer's dishonest conduct. You may be able to recover some of the fees that you paid Mr. Best by filing an application to the Clients' Security Fund. I have enclosed a brochure that describes the Fund and an application form for your use.

If you have not already done so, you will need to hire another lawyer to complete the legal matter that Mr. Best was handling for you. Good Luck with your case

Sincerely,

/s/ Paula Frederick
Paula J Frederick
Deputy General Counsel

PJF/dmg

104 Marietta Street, N.W.- Suite 100 - Atlanta, Georgia 30303
(404) 527-8720 - (800) 334-6865 - (404) 527-8744 facsimile

Appendix X

In the Supreme Court of Georgia

Decided: NOV 21 2005
(Stamped)

S05Y1880; S05Y1881; S05Y1882; S05Y1883;
S05Y1884; S05Y1885; S05Y1886; S05Y1887
IN THE MATTER OF CHARLES DOUGLAS BEST

PER CURIAM.

These disciplinary matters are before the Court on the Notices of Discipline filed by the State Bar against Respondent Charles Douglas Best in which it recommends that Best be disbarred for his violations of Rules 1.3; 1.4; 8.4 (a) (4); and 9.3 of the Rules of Professional Conduct found in Bar Rule 4-102 (d). The State Bar Served Best by publication in accordance with Bar Rule 4-203.1 (b) (3) (ii) but Best failed to reject the notice within 30 days of service, see Bar Rule 4-208.3 (a), and accordingly, he in default, has no right to an evidentiary hearing and is subject to the discipline of this Court. See Bar Rule 4-208. 1(b).

Footnote:

We note that, for the first time, Best has filed a petition for voluntary surrender of his license with this Court. In general, However, such petitions may be submitted prior to the issuance of a formal complaint for the consideration by the State Bar, not this Court. See Bar Rule 4-227 (b).

Appendix X

In each of the eight cases, Best accepted representation and fees, but took little or no action to pursue his clients' cases. His telephone numbers were disconnected and he moved from his office with no forwarding address. He did not contact or communicate with his clients, nor did he take any action to protect their rights. Accordingly, we agree with the name of Charles Douglas Best be removed from rolls of attorneys authorized to practice law in the State of Georgia. He is reminded of his duties under Bar Rule 4-219 (c).

Disbarred. All the Justices concur.

Footnote:

Therefore, we do not consider Best's untimely petition, and it does not change the outcome in this case.